

# **Antelope Valley Air Quality Management District Governing Board Regular Meeting**

## **Agenda**

### **LOCATION**

**ANTELOPE VALLEY AQMD District Office  
43301 Division Street, Suite 206  
Lancaster, CA 93535  
661.723.8070**

**TUESDAY, JANUARY 21, 2020  
10:00 A.M.**

### **BOARD MEMBERS**

Marvin Crist, Chair, City of Lancaster  
Austin Bishop, Vice Chair, City of Palmdale  
Ron Hawkins, Los Angeles County  
Howard Harris, Los Angeles County  
Ken Mann, City of Lancaster  
Steven Hofbauer, City of Palmdale  
Newton Chelette, Public Member

IF YOU CHALLENGE ANY DECISION REGARDING ANY OF THE LISTED PROPOSALS IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED DURING THE PUBLIC TESTIMONY PERIOD REGARDING THAT PROPOSAL OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE GOVERNING BOARD AT, OR PRIOR TO, THE PUBLIC HEARING.

DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, PUBLIC COMMENTS ARE LIMITED TO FIVE MINUTES PER SPEAKER. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

EXCEPT WHERE NOTED, ALL SCHEDULED ITEMS WILL BE HEARD IN THE DISTRICT OFFICE OF THE GOVERNING BOARD, 43301 DIVISION STREET, SUITE 206, LANCASTER, CA 93535 AND THE TELECONFERENCE LOCATION(S), IF APPLICABLE. PLEASE NOTE THAT THE BOARD MAY ADDRESS ITEMS IN THE AGENDA IN A DIFFERENT ORDER THAN THE ORDER IN WHICH THE ITEM HAS BEEN POSTED.

PUBLIC COMMENTS ON ANY AGENDA ITEM WILL BE HEARD AT THE TIME OF DISCUSSION OF THE AGENDA ITEM. PUBLIC COMMENTS NOT PERTAINING TO AGENDA ITEMS WILL BE HEARD DURING THE PUBLIC COMMENT PERIOD BELOW.

## **CALL TO ORDER 10:00 A.M.**

Pledge of Allegiance.

Roll Call

PUBLIC COMMENT

## **CONSENT CALENDAR**

The following consent items are expected to be routine and non-controversial and will be acted upon by the Board at one time without discussion unless a Board Member requests an item be held for discussion under DEFERRED ITEMS.

1. [Approve Minutes from Regular Governing Board Meeting of December 17, 2019.](#)
2. [Monthly Grant Funding Summary. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
3. [Monthly Activity Report. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)
4. [Approve payment to MDAQMD in the total amount of \\$130,852.69, subject to availability of funds, for services provided during the month of November 2019. Presenter: Bret Banks, Executive Director/APCO.](#)
5. [Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at November 30, 2019, which provides financial information and budget performance concerning the current fiscal status of the District. Presenter: Bret Banks, Executive Director/APCO.](#)

## **ITEMS FOR DISCUSSION**

DEFERRED ITEMS

NEW BUISNESS

6. [Conduct a continued public hearing to consider the adoption of the Federal Negative Declaration for One Control Techniques Guideline\(CTG\) Source Category \(Oil and Natural Gas Industry\): a. Re-Open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adoption of the Federal Negative Declaration for One CTG Source Category \(Oil and Natural Gas Industry\) and directing staff actions. Presenter: Barbara Lods, Operations Manager.](#)
7. [Conduct a public hearing to consider the Request for USEPA to remove Rule 206 – Posting of Permit to Operate from the SIP a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of](#)

Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, Requesting that USEPA remove Rule 206 from the SIP, withdrawing subsequent versions of Rule 206 from SIP submission, and directing staff actions. Presenter: Barbara Lods, Operations Manager.

8. 1) Award an amount not to exceed \$138,418 in Mobile Source Emissions Reduction Program (AB 923) funds to Boething Treeland Farms to replace an older heavy-duty diesel equipment with new, clean technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details, and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Julie McKeehan, Grants Analyst.
9. 1) Award \$6,000 in Mobile Source Emission Reductions Program (AB 923) funds to the City of Palmdale toward Electric Vehicle Charging Stations (Project); and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Julie McKeehan, Grants Analyst.
10. 1) Authorize \$50,000 in Mobile Emission Reductions Program (AB 2766) funds to the Alternative Fuel Vehicle Program; and 2) Authorize the Executive Director/APCO and staff to execute the Alternative Fuel Vehicle Program as outlined in the Work Plan. Presenter: Julie McKeehan, Grants Analyst.
11. Board authorization to transfer budget funds FY 19/20 from Capital Expense – Vehicles to Operating Expense – Dues and Subscriptions in the amount of \$25,000. Presenter: Bret Banks, Executive Director/APCO.
12. Reports: Governing Board Counsel, Executive Director/APCO, Staff.
13. Board Member Reports and Suggestions for Future Agenda Items.
14. Adjourn to Regular Governing Board Meeting of Tuesday, February 18, 2020.

***In compliance with the Americans with Disabilities Act, if special assistance is needed to participate in the Board Meeting, please contact the Executive Director during regular business hours at 661.723.8070 x22. Notification received 48 hours prior to the meeting will enable the District to make reasonable accommodations.***

I hereby certify, under penalty of perjury, that this agenda has been posted 72 hours prior to the stated meeting in a place accessible to the public. Copies of this agenda and any or all additional materials relating thereto are available at the District Office at 43301 Division Street, Suite 206, Lancaster, CA 93535 or by contacting Deanna Hernandez at 760.245.1661 x6244 or by email at [dhernandez@mdaqmd.ca.gov](mailto:dhernandez@mdaqmd.ca.gov) .

**Mailed & Posted on: As Amended Friday, January 17, 2020.**

*Deanna Hernandez*

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The following page(s) contain the backup material for Agenda Item: [Approve Minutes from Regular Governing Board Meeting of December 17, 2019.](#)

Please scroll down to view the backup material.

**ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
GOVERNING BOARD MEETING  
TUESDAY, DECEMBER 17, 2019  
ANTELOPE VALLEY DISTRICT OFFICE  
LANCASTER, CA**

**Draft Minutes**

Board Members Present:

Marvin Crist, Chair, City of Lancaster  
Austin Bishop, Vice Chair, City of Palmdale  
Newton Chelette, Public Member  
Howard Harris, Los Angeles County  
Ron Hawkins, Los Angeles County  
Steven Hofbauer, City of Palmdale  
Kenn Mann, City of Lancaster

Board Members Absent:

**CALL TO ORDER**

Chair **CRIST** called the meeting to order at 10:02 a.m. Chair **CRIST** asked Board Member Ken Mann to lead the Pledge of Allegiance. Roll call was taken.

Election of Chair and Vice-Chair of the Governing Board for 2020:

Chair **CRIST** called for nominations for Chair of the Governing Board for 2020. Board Member **CHELETTE** nominated Board Member **CRIST** for Chair, seconded by Board Member **HAWKINS**, and carried unanimously, Board Member **CRIST** was elected Chair for 2020. Chair **CRIST** called for nominations for Vice Chair of the Governing Board for 2020. Board Member **CRIST** nominated Board Member **BISHOP** for Vice Chair, seconded by Board Member **HARRIS**, and carried unanimously, Board Member **BISHOP** was elected Vice Chair for 2020.

**PUBLIC COMMENT**

❖ None.

**CONSENT CALENDAR**

**Agenda Item #1 – Approve Minutes from Regular Governing Board Meeting of November 19, 2019.**

Upon Motion by **HAWKINS**, seconded by **BISHOP**, and carried unanimously, the Board **Approved** Minutes from Regular Governing Board Meeting of November 19, 2019.

**Agenda Item #2 – Monthly Grant Funding Summary. Receive and file.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HAWKINS**, seconded by **BISHOP**, and carried unanimously, the Board **Received and Filed** Monthly Grand Funding Summary.

**Agenda Item #3 – Monthly Activity Report. Receive and file.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HAWKINS**, seconded by **BISHOP**, and carried unanimously, the Board **Received and Filed** Monthly Activity Report.

**Agenda Item #4 – Approve payment to MDAQMD in the total amount of \$132,821.79, subject to availability of funds, for services provided during the month of October 2019.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HAWKINS**, seconded by **BISHOP**, and carried unanimously, the Board, **approved** payment to MDAQMD in the total amount of \$132,821.79, subject to availability of funds, for services provided during the month of October 2019.

**Agenda Item #5 – Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at October 31, 2019, which provides financial information and budget performance concerning the current fiscal status of the District.**

Presenter: Bret Banks, Executive Director/APCO.

Upon Motion by **HAWKINS**, seconded by **BISHOP**, and carried unanimously, the Board, **received and filed** the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at October 31, 2019, which provides financial information and budget performance concerning the current fiscal status of the District.

**ITEMS FOR DISCUSSION**

**DEFERRED ITEMS**

None.

**NEW BUSINESS**

**Agenda Item #6 – Conduct a public hearing to consider the adoption of the Federal Negative Declaration for One Control Techniques Guideline(CTG) Source Category (Oil and Natural Gas Industry): a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adoption of the Federal Negative Declaration for One CTG Source Category (Oil and Natural Gas Industry) and directing staff actions.**

Presenter: Barbara Lods, Operations Manager.

Chair **CRIST** opened the public hearing. Barbara Lods, Operations Manager, presented the staff report and requested this item be continued to the next scheduled Governing Board meeting due to comments received on December 16, 2019. Upon Motion by **HOFBAUER**, seconded by **MANN**, and carried with seven **AYES** votes by Board Members **MARVIN CRIST, AUSTIN BISHOP, NEWTOW CHELETTE, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and KEN MANN**, the Board, **continued** this item to the next regular scheduled meeting of the Governing Board on January 21, 2020.

**Agenda Item #7 – 1) Approve the FY 19-20 Application for Carl Moyer Program Year 22 Funds and authorize its submission to the California Air Resources Board (CARB); 2) Allocate a maximum of 15 percent of Mobile Source Emissions Reduction (MSER) Program funds to serve as the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Moyer Program); and 3) Authorize the Executive Director/APCO and staff to execute the agreement, approved as to legal form.**

Presenter: Julie McKeehan, Grants Analyst.

Grants Analyst Julie McKeehan presented the staff report and answered questions from the Board. After discussion and upon Motion by **MANN**, seconded by **BISHOP**, and carried with seven **AYES** votes by Board Members **MARVIN CRIST, AUSTIN BISHOP, NEWTON CHELETTE, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and KEN MANN**, the Board, 1) **Approved** the FY 19-20 Application for Carl Moyer Program Year 22 Funds and authorize its submission to the California Air Resources Board (CARB); 2) **Allocated** a maximum of 15 percent of Mobile Source Emissions Reduction (MSER) Program funds to serve as the required match funding for the Carl Moyer Memorial Air Quality Standards Attainment Program (the Moyer Program); and 3) **Authorized** the Executive Director/APCO and staff to execute the agreement, approved as to legal form.

**Agenda Item #8 – 1) Allocate \$25,000 in Mobile Source Emissions Reduction Program funds (AB 2766) in support of public transit programs in the Antelope Valley; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames, technical project details and agreements, approved as to legal form by the Office of District Counsel.**

Presenter: Bret Banks, Executive Director/APCO.

Executive Director/APCO Bret Banks presented the staff report and answered questions from the Board. After discussion, and upon Motion by **BISHOP**, seconded by **HOFBAUER**, and carried with seven **AYES** votes by Board Members **MARVIN CRIST, AUSTIN BISHOP, NETWON CHELETTE, HOWARD HARRIS, RON HAWKINS, STEVEN HOFBAUER and KEN MANN**, the Board, 1) **Allocated** \$25,000 in Mobile Source Emissions Reduction Program funds (AB 2766) in support of public transit programs in the Antelope Valley; and 2) **Authorized** the Executive Director/APCO and staff to negotiate target time frames, technical project details and agreements, approved as to legal form by the Office of District Counsel.

**Agenda Item #9 – Presentation: Community Air Protection Grant.**

Presenter: Bret Banks, Executive Director/APCO.

Executive Director/APCO Bret Banks presented the Community Air Protection Grant presentation. No action required of the Board, this item was informational only.

**Agenda Item #10 – Reports.**

**Governing Board Counsel –**

- Wished all a Merry Christmas and Happy New Year.

**Executive Director/APCO –**

- Wished all a Merry Christmas and Happy New Year.

**Staff –**

- None.

**Agenda Item #11 – Board Member Reports and Suggestions for Future Agenda Items.**

- None.

**Agenda Item #12 – Adjourn to Regular Governing Board Meeting of Tuesday, January 21, 2020.**

Being no further business, the meeting adjourned at 10:31 a.m. to the next regularly scheduled Governing Board Meeting of Tuesday, January 21, 2020.

The following page(s) contain the backup material for Agenda Item: [Monthly Grant Funding Summary. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)  
Please scroll down to view the backup material.

## Item #2 – Grant Funds Project Summary

December 2019

### AB 2766 (\$4 DMV Fee)

#### \$426,500 Annually by Monthly Distribution

These fees fund the District’s Mobile Source Emission Reductions (MSER) Grant Program. The funds must be used “to reduce air pollution from motor vehicles and for related planning, monitoring, enforcement, and technical studies necessary for the implementation of the California Clean Air Act of 1988”.

**Funding Limits:** No surplus emission reductions or cost-effectiveness limit requirements.

**Current Balance: \$ 65,864.00**

### PROPOSED PROJECTS

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Jan-20	AFV Program Add'l Funds	50,000.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 15,864.00*</b>	

\*Balance does not include the 2 pending to LBC

<b>AB 2766 Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Feb-18	Kyle & Kyle Ranches On-road Vehicle Project	\$ 68,016.00	paid
Feb-18	LBC – Bus Replacement Project #1 of 7	71,848.00	paid
Feb-18	LBC – Bus Replacement Project #2 of 7	74,733.00	paid
Feb-18	LBC – Bus Replacement Project #3 of 7	69,121.00	paid
Feb-18	LBC – Bus Replacement Project #4 of 7	69,121.00	paid
Feb-18	LBC – Bus Replacement Project #5 of 7	83,860.00	paid
Feb-18	LBC – Bus Replacement Project #6 of 7	83,860.00	pending*
Feb-18	LBC – Bus Replacement Project #7 of 7	83,860.00	pending*
Mar-18	Kyle & Kyle Ranches On-road Vehicle Project	31,984.00	paid
Mar-18	2018 Lawn Mower Exchange Program	10,000.00	paid
May-18	AFV Program Add'l Funds	15,000.00	paid
May-18	LBC – Bus Replacement Project #1 of 7	66,516.00	paid
Aug-18	AFV Program Add'l Funds	15,000.00	paid
Aug-18	Antelope Valley College - Student Pass Program	80,000.00	paid
Aug-18	Heritage Sign Company Vehicle Replacement Project	8,720.00	paid
Oct-18	LBC - Bus Replacement Project #1 of 7	5,332.00	paid
Oct-18	American Plumbing Services Vehicle Replacement	10,810.00	paid
Nov-18	UAV Vehicle Replacement Project	27,869.00	paid
Nov-18	AFV Program Add'l Funds	15,000.00	paid
Dec-18	AFV Program Add'l Funds	15,000.00	paid
Dec-18	Paraclete High School Vehicle Replacement Project	35,000.00	partial paid
Dec-18	LA County Sheriff's Palmdale Bio Diesel Truck Project	50,000.00	paid
Mar-19	AFV Program Add'l Funds	15,000.00	paid
Apr-19	AFV Program Add'l Funds	30,000.00	paid
Apr-19	Curb Crafters Vehicle Replacement	19,029.00	cancelled
July-19	AFV Program Add'l Funds	20,000.00	paid
Sept-19	AFV Program Add'l Funds	50,000.00	paid
Oct-19	Kyle & Kyle Ranches HD Truck Replacement Project	40,000.00	pending
Dec-19	Public Transit Programs-Member Agencies	25,000.00	paid

**AB 923 (\$2 DMV Fee)****\$609,500 Annually by Monthly Distribution**

These fees fund the District's Mobile Source Emission Reductions (MSER) Grant Program. The funds must be used to remediate air pollution harms created by motor vehicles.

Funding Limits: Carl Moyer eligible projects; unregulated agriculture vehicles and equipment; school bus projects; light-duty vehicle retirement program; and alternative fuel and electric infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

**Current Balance: \$ 276,917.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Jan-20	City of Palmdale EV Charging Project	-6000.00	
Jan-20	Boething Treeland Farms ERP	-138,418.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 132,499.00</b>	

<b>AB 923 Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Jan-18	Wilsona School District EV School Bus Charging Project	\$ 49,976.00	paid
Feb-18	Vehicle Retirement Program Add'l Funds	47,000.00	paid
Mar-18	2018 Lawn Mower Exchange Program	10,000.00	paid
Mar-18	Robertsons Palmdale Honda EV Charging Project	86,000.00	paid
May-18	Home2 Suites by Hilton Palmdale EV Charging Project	15,200.00	paid
May-18	Sierra Commons EV Charging Project	30,640.00	paid
Sep-18	AV Harley-Davidson EV Charging Project	20,000.00	paid
Nov-18	Vehicle Retirement Program Add'l Funds	50,000.00	paid
Dec-18	High Desert Dairy Equipment Replacement Project	54,918.00	paid
Dec-18	AVTA EV Charging Project	50,000.00	pending
Dec-18	AVSTA (3) New Electric School Buses	28,669.00	pending
June-19	Waste Management-AV CNG Station	279,515.00	pending
June-19	City of Lancaster EV Charging City-MOAH	10,000.00	pending
July-19	Waste Management-AV CNG Station add'l funds	70,000.00	pending
July-19	Learn 4 Life EV Charging Project	47,591.00	pending
Sept-19	AVSTA CNG Fueling Station Project	104,000.00	pending
Oct-19	XL Hybrid Plug-In Truck Pilot Project	164,694.00	pending
Nov-19	Truck and Bus Replacement Project	120,000.00	pending

**Carl Moyer Program****\$701,500 Annually**

Carl Moyer Program (CMP) funds provide incentives to gain early or extra emission reductions by retrofitting, repowering, or replacing older more polluting engines with newer, cleaner engines including zero and near zero emission technologies. CMP funding categories include on-road heavy-duty vehicles, off-road equipment, locomotives, marine vessels, light-duty passenger vehicles, lawn mower replacement and alternative fuel infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

**Current Balance: \$ 0.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 0.00</b>	

<b>Carl Moyer Program Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
Apr-18	McWhirter Steel Forklift Replacement Project	\$ 185,943.00	paid
May-18	McCarthy Steel Forklift Replacement Project	59,155.00	paid
June-18	Gall Brothers Engineering Equipment Replacement Proj	94,211.00	paid
Jul-18	Fine Grade Equipment Replacement Project	240,850.00	paid
Aug-18	Heritage Sign Company Vehicle Replacement Project	23,545.00	paid
Oct-18	American Plumbing Service Vehicle Replacement Proj	14,112.00	paid
Dec-18	Bills Landscaping Equipment Replacement Project	94,700.00	paid
Dec-18	High Desert Dairy Equipment Replacement Project	45,082.00	paid
Deposit	Carl Moyer Program Yr. 21 FY 18-19	661,741.00	received
Mar-19	Commercial Lawn and Garden Exchange Program	200,000.00	paid
Apr-19	AV Fair Assoc. ERP Aerial Lift Proj. 4	93,140.00	paid
Apr-19	Curb Crafters On-road Replacement Project	14,363.00	pending
June-19	Alameda Metals Corporation ERP	214,111.00	paid
Deposit	Carl Moyer Program Interest FY 18-19	15,179.00	received
Oct-19	XL Plug-In Hybrid Truck Pilot Project	115,306.00	pending

**AB 617 Community Air Protection (CAP) Implementation****\$79,305 FY 18/19 Allocation**

The purpose of AB 617 is to reduce emission sources in disadvantaged and low income communities by community-based air monitoring and local emission reduction programs. Funding is allocated to Air Districts to implement and administer all aspects of AB 617. These funds support community collaborative/community involved programs such as the deployment of air monitoring systems (i.e. Purple Air Sensors) and supporting local emission reductions programs. As a result, the AVAQMD is able to create new and enhance existing programs (i.e. lawn and garden equipment replacement, vehicle retirement, light-duty alternative fuel vehicle purchase incentive and residential electric vehicle charging) suggested by individual residents and group members as programs that best serve emission reductions within the community).

**Current Balance: \$ 0.00****PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 0.00</b>	

<b>AB 617 CAP Admin. Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
June-18	AB 617 CAP Implementation Funds FY 17-18 (Initial)	\$ 65,569.00	received
Oct-18	AB 617 CAP Implementation Funds FY 17-18 (Amend)	75,000.00	received
Feb-19	Lawn Mower Exchange Events 2019	45,000.00	paid
Mar-19	Admin Support Costs	15,489.00	paid
Mar-19	Commercial Lawn and Garden Program	75,000.00	paid
Apr-19	Air Quality Sensors	4,440.00	paid
Deposit	AB 617 CAP Implementation Funds FY 18-19	79,305.00	received
Aug-19	CAP AFV Incentive Program	75,000.00	paid
Oct-19	Admin Support Costs	11,145.00	paid

**AB 134 Community Air Protection (CAP) Projects****\$1,088,281 FY 18/19 Allocation**

The purpose of AB 134 funds is to implement projects under the Carl Moyer Program specifically for projects that meet the goals of AB 617. These funds are focused on replacing older polluting engines operating in disadvantaged and low-income communities with newer, cleaner engines prioritizing zero-emission projects. CMP funding categories include on-road heavy-duty vehicles, off-road equipment, locomotives, marine vessels, light-duty passenger vehicles, lawn mower replacement and alternative fuel infrastructure projects. Surplus emission reductions required. Subject to cost-effectiveness limit.

**Current Balance: \$ 1,088,281.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 1,088,281.00</b>	

<b>AB 134 CAP Projects Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
June-18	AB 134 CAP through Carl Moyer	\$ 468,750.00	received
Dec-18	AVSTA (3) New Electric School Buses	-468,750.00	pending
Deposit	CAP Interest FY 17/18	2581.00	received
Dec-19	AVSTA (3) New Electric School Buses	-2581.00	pending

**NOx Remediation Measure (NRM)****\$53,644 FY 18/19 Allocation**

The purpose of NOx Remediation funds are to remediate any potential past emissions attributed to the Low Carbon Fuel Standard (LCFS) Regulation through a new NOx Remediation Measure (NRM) that replace diesel engines with low-NOx engines and tracks the progress of the NRM. Eligible projects are those eligible under the Carl Moyer Program with significant NOx emission reductions at a cost-effective limit of \$10,000/ton or less.

**Current Balance: \$ 0.00**

**PROPOSED PROJECTS**

<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
	none	0.00	
<b>BALANCE PENDING APPROVAL</b>		<b>\$ 0.00</b>	

<b>NRM Approved Funding Awards</b>			
<u>Action Date</u>	<u>Project Description</u>	<u>Grant Award</u>	<u>Status</u>
May-18	NOx Remediation Measure Funds (Initial)	\$ 26,634.00	received
June-18	NOx Remediation Measure Funds (Amend)	27,010.00	received
Jul-18	Fine Grade Equipment Replacement Project	53,644.00	paid

The following page(s) contain the backup material for Agenda Item: [Monthly Activity Report. Receive and file. Presenter: Bret Banks, Executive Director/APCO.](#)  
Please scroll down to view the backup material.

## **Item #3 Monthly Activity Report – December 2019**

	<u>DEC 2019</u>	<u>DEC 2018</u>	<u>YTD (7/1/20)</u>
Complaints	0	0	4
Complaint Investigations	0	0	4
Asbestos Notifications	7	8	48
Asbestos Inspections	0	0	0
Permit Inspections	92	123	848
Permit Inspections in Compliance (%)	100	100	100
Notice of Violation (NOV)	1	0	1

### **\*Outstanding NOVs**

- AV00000210, Issued 03/2018
- AV00000219 Issued 06/2019

**Number of Active Companies: 280**  
**Number of Active Facilities: 516**  
**Number of Active Permits: 1101**

### **Project Comment Letters – December 2019**

**Attached**

## Agenda Item #3

AVAQMD CEQA PROJECTS						
BOARD MEETING						
1/21/2020						
Date Rec'd	Location	Project Name	Description	Comment	Date Due	Date Sent
12/9/2019	Palmdale	Waste Management	Conditional Use Permit 98-12 Major Modification-Determination of Application Completeness/Condition Setting for the request to expand and upgrade the vehicle facility maintenance building, improvements to the compressed natural gas improvement area and a customer service building to be located at 1200 West City Ranch Road on approximately 6 acres	No Comment	12/3/2019	12/11/2019
12/9/2019	Palmdale	TPM 74075	Tentative Parcel Map 74075 Time Extension No. 1-Determination of Application Completeness/Condition Setting requesting a three-year time extension to a previously approved parcel map to subdivide 80 acres into four industrial lots to be located south of Avenue L, west of 40 <sup>th</sup> Street East.	No Comment	12/17/2019	12/11/2019
12/9/2019	Palmdale	Go Green	Pre- Application 19-028 Conceptual Review to develop a multiple-use, industrial buildings site (green waste), at the southwest corner of Rancho Vista Boulevard and 15 <sup>th</sup> Street East on approximately 9.94 acres	DCP Permitted Equipment CARB Equip	12/17/2019	12/11/2019

The following page(s) contain the backup material for Agenda Item: [Approve payment to MDAQMD in the total amount of \\$130,852.69, subject to availability of funds, for services provided during the month of November 2019. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #4*

**DATE:** January 21, 2020

**RECOMMENDATION:** Approve payment to MDAQMD in the total amount of \$130,852.69.

**SUMMARY:** The District contracts for services with MDAQMD; invoices for services are presented for payment.

**CONFLICT OF INTEREST:** None

**BACKGROUND:** Key Expenses: Staffing costs \$111,500.00.

**REASON FOR RECOMMENDATION:** The AVAQMD Governing Board must authorize all payments to the MDAQMD.

**REVIEW BY OTHERS:** This item was reviewed by Allison Burns, Special Counsel as to legal form; and by Bret Banks, Executive Director/APCO, on or before January 6, 2020.

**FINANCIAL DATA:** The contract and direct expenditure amounts are part of the approved District budget for FY 20. No change in appropriations is anticipated as a result of the approval of this item.

**PRESENTER:** Bret Banks, Executive Director/APCO.



**Mojave Desert AQMD**  
 14306 Park Avenue  
 Victorville, CA 92392  
 760.245.1661

*Agenda Item #4*  
 Due Date **DUE UPON RECEIPT**  
 Invoice Date **11/30/2019**  
 Invoice Number **42435**

## INVOICE

<b>Bill To :</b>
<b>ANTELOPE VALLEY AQMD</b> <b>43301 DIVISION ST. SUITE 206</b> <b>LANCASTER, CA 93535</b>
<b>Company ID    10193</b>

FY20	Amount
Program Staff	111,500.00
Overhead	16,069.63
Professional Services	645.83
Travel & Training	1,737.72
Vehicles Expenses	899.51
<p>TO INSURE PROPER CREDIT -            PLEASE INCLUDE A COPY OF THE INVOICE WITH YOUR PAYMENT</p> <p>FOR CREDIT CARD PAYMENTS            PLEASE VISIT <a href="http://www.mdaqmd.ca.gov">www.mdaqmd.ca.gov</a></p>	
<b>MAKE CHECKS PAYABLE TO MOJAVE DESERT AQMD</b>	<b>Invoice Total    130,852.69</b>
<b>PLEASE INCLUDE THE INVOICE NUMBER ON THE CHECK</b>	<b>Amount Paid        0.00</b>
	<b>Balance Due        130,852.69</b>

**Mojave Desert AQMD  
Expenditures AVAQMD  
For Period Ending 11/30/2019**

Financial Report

	<u>Monthly YTD</u>	<u>Actual YTD</u>	<u>Annual Budget</u>	<u>% of Budget</u>
<b><u>Services &amp; Supplies</u></b>				
Professional Services				
Payroll Contract	8.83	(437.47)	350.00	(1.25)
Financial Services	637.00	5,873.00	20,000.00	0.29
Research Studies	0.00	488.23	0.00	0.00
<b>Total Professional Srvc</b>	<b>645.83</b>	<b>5,923.76</b>	<b>20,350.00</b>	<b>0.29</b>
Office Expenses				
Software	0.00	0.00	10,700.00	0.00
Supplies	0.00	500.00	500.00	1.00
Postage	0.00	0.00	1,000.00	0.00
Meeting Expenses	0.00	0.00	150.00	0.00
<b>Total Office Expenditures</b>	<b>0.00</b>	<b>500.00</b>	<b>12,350.00</b>	<b>0.04</b>
Communications				
Dues & Subscriptions				
Travel				
Training	0.00	0.00	500.00	0.00
Travel	1,730.17	1,730.17	0.00	0.00
Mileage	7.55	7.55	0.00	0.00
Recruitment	0.00	915.44	0.00	0.00
<b>Total Travel</b>	<b>1,737.72</b>	<b>2,653.16</b>	<b>500.00</b>	<b>5.31</b>
Program Costs				
Legal				
Maintenance & Repairs				
Vehicles				
Vehicle Lease	0.00	819.37	0.00	0.00
Gas & Oil	899.51	1,985.59	1,500.00	1.32
Maintenance	0.00	0.00	50.00	0.00
Repairs	0.00	440.00	0.00	0.00
<b>Total Vehicles Expenses</b>	<b>899.51</b>	<b>3,244.96</b>	<b>1,550.00</b>	<b>2.09</b>
Non-Depreciable Inventory				
Miscellaneous Expense				
Suspense				
<b>Total Services &amp; Supplies</b>	<b>3,283.06</b>	<b>12,321.88</b>	<b>34,750.00</b>	<b>0.35</b>
<b><u>Capital Expenditures</u></b>				
<b>Total Expenditures</b>	<b>3,283.06</b>	<b>12,321.88</b>	<b>34,750.00</b>	<b>0.35</b>

The following page(s) contain the backup material for Agenda Item: [Receive and file the Financial Report. The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at November 30, 2019, which provides financial information and budget performance concerning the current fiscal status of the District. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #5*

**DATE:** January 21, 2020

**RECOMMENDATION:** Receive and file.

**SUMMARY:** The Financial Report is provided to the Governing Board for information concerning the fiscal status of the District at November 30, 2019.

**BACKGROUND:** The Financial Reports provide financial and budget performance information for the District for the period referenced.

**BALANCE SHEET.** The balance sheet summarizes the District's financial position on November 30, 2019.

**STATEMENT OF REVENUES & EXPENDITURES.** A summary of all District revenue and related expenditures incurred in the day to day administration of District Operations.

**STATEMENT OF ACTIVITY.** The target variance for October is 42% of FY20.

*District Wide* reports details revenue and expenses for the District's operating account and grant funds. *Contracted Services* reports the expenses made by the (MDAQMD) and passed through to the District. *Report Recap* is consolidates both reports.

**BANK REGISTERS.** This report details the Districts bank activity.

**DISTRICT CARDS.** This report details purchases made using the District's credit cards.

**REASON FOR RECOMMENDATION:** Receive and file.

**REVIEW BY OTHERS:** This item was reviewed by Allison Burns, Special Counsel as to legal form and by Bret Banks, Executive Director/APCO (AVAQMD) on or about January 6, 2020.

**PRESENTER:** Bret Banks, Executive Director/APCO.

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**Antelope Valley AQMD**  
**Balance Sheet - Governmental Funds**  
**As of November 30, 2019**

## Financial Report

	<u>General Fund</u>	<u>AB2766 Mobile Emissions</u>	<u>AB923 Mobile Emissions</u>	<u>Carl Moyer</u>	<u>Total</u>
<b>Assets</b>					
Current Assets					
Cash	2,736,792.29	264,455.58	1,242,060.02	522,571.37	4,765,879.26
Cash Held For Other Fund	(28,722.82)	6,737.06	(49,131.24)	71,117.00	0.00
Receivables	233,814.14	0.00	0.00	0.00	233,814.14
Pre-Paid	11,806.58	0.00	0.00	0.00	11,806.58
<b>Total Current Assets</b>	<b>2,953,690.19</b>	<b>271,192.64</b>	<b>1,192,928.78</b>	<b>593,688.37</b>	<b>5,011,499.98</b>
<b>Total Assets</b>	<b>2,953,690.19</b>	<b>271,192.64</b>	<b>1,192,928.78</b>	<b>593,688.37</b>	<b>5,011,499.98</b>
<b>Liabilities and Net Position</b>					
Current Liabilities					
Payables	451,904.94	0.00	0.00	71,117.00	523,021.94
Accruals	(1,048.83)	0.00	0.00	0.00	(1,048.83)
Due to Others	875.00	0.00	0.00	0.00	875.00
Unearned Revenue	0.00	0.00	0.00	454,699.82	454,699.82
<b>Total Current Liabilities</b>	<b>451,731.11</b>	<b>0.00</b>	<b>0.00</b>	<b>525,816.82</b>	<b>977,547.93</b>
Restricted Fund Balance	0.00	367,812.06	1,055,552.13	66,331.49	1,489,695.68
Cash Reserves	487,785.00	0.00	0.00	0.00	487,785.00
Unassigned Fund Balance	2,475,331.99	0.00	0.00	0.00	2,475,331.99
Pre-Paid	4,367.68	0.00	0.00	0.00	4,367.68
Change in Net Position	(465,525.59)	(96,619.42)	137,376.65	1,540.06	(423,228.30)
<b>Total Liabilities &amp; Net Position</b>	<b>2,953,690.19</b>	<b>271,192.64</b>	<b>1,192,928.78</b>	<b>593,688.37</b>	<b>5,011,499.98</b>

**Antelope Valley AQMD**  
**Statement of Revenues & Expenditures**  
**For the Period Ending November 30, 2019**

## Financial Report

	<u>General Fund</u>	<u>AB2766 Mobile Emissions Program</u>	<u>AB923 Mobile Emissions Program</u>	<u>Carl Moyer Program</u>	<u>Total Governmental Funds</u>
<b>Revenues</b>					
Application and Permit Fees	88,897.60	0.00	0.00	0.00	88,897.60
AB 2766 and Other Program Revenues	52,182.70	51,992.10	51,992.10	0.00	156,166.90
Fines	31,840.02	0.00	0.00	0.00	31,840.02
Investment Earnings	5,512.37	531.75	2,596.18	1,544.63	10,184.93
Federal and State	0.00	0.00	0.00	0.00	0.00
Miscellaneous Income	0.00	0.00	0.00	0.00	0.00
<b>Total Revenues</b>	<b>178,432.69</b>	<b>52,523.85</b>	<b>54,588.28</b>	<b>1,544.63</b>	<b>287,089.45</b>
<b>Expenditures</b>					
Program Staff	111,500.00	0.00	0.00	0.00	111,500.00
Services and Supplies	111,883.90	15,500.00	2,000.00	710.00	130,093.90
Contributions to Other Participants	0.00	0.00	0.00	0.00	0.00
Capital Outlay Improvements and Equipment	0.00	0.00	0.00	0.00	0.00
<b>Total Expenditures</b>	<b>223,383.90</b>	<b>15,500.00</b>	<b>2,000.00</b>	<b>710.00</b>	<b>241,593.90</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(44,951.21)</b>	<b>37,023.85</b>	<b>52,588.28</b>	<b>834.63</b>	<b>45,495.55</b>

**Antelope Valley AQMD**  
**Statement of Activity - MTD, MTM and YTD**  
**For 11/30/2019**

00 District Wide

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<b>Revenues</b>				
Permitting	85,611.62	413,538.93	1,072,500.00	(0.39)
Programs	156,166.90	798,626.78	2,570,566.00	(0.31)
Application Fees	3,726.00	33,568.50	30,000.00	(1.12)
State Revenue	0.00	81,320.00	206,305.00	(0.39)
Fines & Penalties	31,840.02	33,580.04	9,000.00	(3.73)
Interest Earned	10,184.93	36,498.18	22,435.00	(1.63)
Adjustments to Revenue	(440.02)	(388,785.81)	0.00	0.00
<b>Total Revenues</b>	<b>287,089.45</b>	<b>1,008,346.62</b>	<b>3,910,806.00</b>	<b>(0.26)</b>
<b>Expenses</b>				
Office Expenses	6,888.84	35,138.17	102,575.00	0.34
Communications	1,431.43	6,956.19	20,500.00	0.34
Vehicles	1,218.83	1,778.71	10,000.00	0.18
Program Costs	99,530.00	691,735.53	2,060,266.00	0.34
Travel	110.60	5,074.64	10,150.00	0.50
Professional Services				
Research Studies	0.00	0.00	6,000.00	0.00
Consulting Fees	0.00	0.00	3,000.00	0.00
Stipends	500.00	3,000.00	8,400.00	0.36
Maintenance & Repairs	225.00	1,125.00	6,500.00	0.17
Non-Depreciable Inventory	0.00	(238.14)	10,000.00	(0.02)
Dues & Subscriptions	98.00	8,043.95	20,500.00	0.39
Legal	419.08	5,438.46	19,000.00	0.29
Miscellaneous Expense	319.43	618.59	915.00	0.68
Suspense	0.00	623.32	0.00	0.00
Capital Expenditures	0.00	21,164.83	95,000.00	0.22
<b>Total Expenses</b>	<b>110,741.21</b>	<b>780,459.25</b>	<b>2,372,806.00</b>	<b>0.33</b>
<b>Program Staff</b>				
<b>Excess Revenue Over (Under) Expenditures</b>	<b>176,348.24</b>	<b>227,887.37</b>	<b>1,538,000.00</b>	<b>(0.15)</b>

**Antelope Valley AQMD**  
**Statement of Activity - MTD, MTM and YTD**  
**For 11/30/2019**

10 Contracted Services

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<b><u>Revenues</u></b>				
<b><u>Expenses</u></b>				
Office Expenses	0.00	500.00	0.00	0.00
Vehicles	899.51	3,244.96	0.00	0.00
Travel	1,737.72	1,832.72	0.00	0.00
Professional Services				
Payroll Contract	8.83	62.53	0.00	0.00
Financial Audit & Actuarial Svcs	16,706.63	85,834.58	200,000.00	0.43
Research Studies	0.00	500.00	0.00	0.00
Consulting Fees	0.00	1,640.88	0.00	0.00
<b>Total Expenses</b>	<b>19,352.69</b>	<b>93,615.67</b>	<b>200,000.00</b>	<b>0.47</b>
<b><u>Program Staff</u></b>				
Program Staff	111,500.00	557,500.00	1,338,000.00	0.42
<b>Total Program Staff</b>	<b>111,500.00</b>	<b>557,500.00</b>	<b>1,338,000.00</b>	<b>0.42</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>(130,852.69)</b>	<b>(651,115.67)</b>	<b>(1,538,000.00)</b>	<b>(0.42)</b>

**Antelope Valley AQMD**  
**Statement of Activity - MTD, MTM and YTD**  
**For 11/30/2019**

Report Recap

	M-T-D Actual	Y-T-D Actual	Y-T-D Budget	% Budget to Actual
<b>Revenues</b>				
Permitting	85,611.62	413,538.93	1,072,500.00	(0.39)
Programs	156,166.90	798,626.78	2,570,566.00	(0.31)
Application Fees	3,726.00	33,568.50	30,000.00	(1.12)
State Revenue	0.00	81,320.00	206,305.00	(0.39)
Fines & Penalties	31,840.02	33,580.04	9,000.00	(3.73)
Interest Earned	10,184.93	36,498.18	22,435.00	(1.63)
Adjustments to Revenue	(440.02)	(388,785.81)	0.00	0.00
<b>Total Revenues</b>	<b>287,089.45</b>	<b>1,008,346.62</b>	<b>3,910,806.00</b>	<b>(0.26)</b>
<b>Expenses</b>				
Office Expenses	6,888.84	35,638.17	102,575.00	0.35
Communications	1,431.43	6,956.19	20,500.00	0.34
Vehicles	2,118.34	5,023.67	10,000.00	0.50
Program Costs	99,530.00	691,735.53	2,060,266.00	0.34
Travel	1,848.32	6,907.36	10,150.00	0.68
Professional Services				
Payroll Contract	8.83	62.53	0.00	0.00
Financial Audit & Actuarial Svcs	16,706.63	85,834.58	200,000.00	0.43
Research Studies	0.00	500.00	6,000.00	0.08
Consulting Fees	0.00	1,640.88	3,000.00	0.55
Stipends	500.00	3,000.00	8,400.00	0.36
Maintenance & Repairs	225.00	1,125.00	6,500.00	0.17
Non-Depreciable Inventory	0.00	(238.14)	10,000.00	(0.02)
Dues & Subscriptions	98.00	8,043.95	20,500.00	0.39
Legal	419.08	5,438.46	19,000.00	0.29
Miscellaneous Expense	319.43	618.59	915.00	0.68
Suspense	0.00	623.32	0.00	0.00
Capital Expenditures	0.00	21,164.83	95,000.00	0.22
<b>Total Expenses</b>	<b>130,093.90</b>	<b>874,074.92</b>	<b>2,572,806.00</b>	<b>0.34</b>
<b>Program Staff</b>				
Program Staff	111,500.00	557,500.00	1,338,000.00	0.42
<b>Total Program Staff</b>	<b>111,500.00</b>	<b>557,500.00</b>	<b>1,338,000.00</b>	<b>0.42</b>
<b>Excess Revenue Over (Under) Expenditures</b>	<b>45,495.55</b>	<b>(423,228.30)</b>	<b>0.00</b>	<b>0.00</b>

# Antelope Valley AQMD

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## Bank Register from 11/01/2019 to 11/30/2019

### Wells Fargo Operating

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000001	11/01/2019	Credit Card Transactions - AV Auto Paints - Working Class Ameican Const	0.00	1,124.04	381,133.34
0000001	11/04/2019	Credit Card Transaction - Boeing	0.00	690.00	381,823.34
0000001	11/04/2019	Credit Card Transaction - Sam's Club	0.00	1,593.20	383,416.54
0000001	11/08/2019	Credit Card Transactions - Heritage Operating LP	0.00	1,320.06	384,736.60
0000001	11/12/2019	Credit Card Transaction - NASA	0.00	2,003.36	386,739.96
	11/12/2019	Service Charge	189.78	0.00	386,550.18
0003997	11/14/2019	[01148] ANTELOPE VALLEY PRESS-Ocotober Notices	969.68	0.00	385,580.50
0003998	11/14/2019	[10006] BANK OF THE WEST-Credit Card Purchases Oct 19	2,373.21	0.00	383,207.29
0003999	11/14/2019	[10007] BOHN'S PRINTING-Inspection Forms	177.82	0.00	383,029.47
0004000	11/14/2019	[10071] MAIL FINANCE-Postage Meter Rental	77.75	0.00	382,951.72
0004001	11/14/2019	[10260] QCS BUILDING SERVICES-Custodial service	225.00	0.00	382,726.72
0004002	11/14/2019	[10043] SOCALGAS-Gas Service	3.16	0.00	382,723.56
0004003	11/14/2019	[10045] VERIZON BUSINESS-VOIP Service	427.75	0.00	382,295.81
0004004	11/14/2019	[10046] VERIZON CALIFORNIA-Long Distance Charges	33.44	0.00	382,262.37
0000001	11/14/2019	Credit Card Transaction - Burns Environmental	0.00	585.00	382,847.37
R20-10	11/14/2019	Op Fund Rep #10	0.00	4,287.81	387,135.18
0000001	11/15/2019	Credit Card Transaction - Air Inc	0.00	585.00	387,720.18
0000001	11/18/2019	Credit Card Transaction - West Side Group	0.00	1,320.06	389,040.24
0004005	11/20/2019	[10518] AUSTIN BISHOP-Attendance Governing Board Meeting Tuesday, November 19, 2019.	100.00	0.00	388,940.24
0004006	11/20/2019	[10405] CANON FINANCIAL SERVICES-Copier Lease	355.40	0.00	388,584.84
0004007	11/20/2019	[10057] MARVIN CRIST-Attendance Governing Board Meeting Tuesday, November 19, 2019.	100.00	0.00	388,484.84
0004008	11/20/2019	[10502] DIGITAL DEPLOYMENT INC-Web hosting	200.00	0.00	388,284.84
0004009	11/20/2019	[10599] HOWARD HARRIS-Attendance Governing Board Meeting Tuesday, November 19, 2019.	100.00	0.00	388,184.84
0004010	11/20/2019	[10058] RONALD HAWKINS-Attendance Governing Board Meeting Tuesday, November 19, 2019.	100.00	0.00	388,084.84
0004011	11/20/2019	[10503] STEVEN D HOFBAUER-Attendance Governing Board Meeting Tuesday, November 19, 2019.	111.60	0.00	387,973.24
0004012	11/20/2019	[10070] BARBARA LODS-Lunch Meeting-10/31/19	21.00	0.00	387,952.24
0004013	11/20/2019	[10023] LOS ANGELES COUNTY CLERK-Amendment to AV Rule 300 NOE	75.00	0.00	387,877.24
0004014	11/20/2019	[10026] MOJAVE DESERT AQMD-AUG FY20	127,589.02	0.00	260,288.22
0004015	11/20/2019	[00069] SOUTHERN CALIFORNIA EDISON-Electric Service	213.74	0.00	260,074.48
0004016	11/20/2019	[10039] SPARKLETTS-Water delivery service	30.52	0.00	260,043.96
0004017	11/20/2019	[10592] SPECTRUM BUSINESS-Internet Service	770.00	0.00	259,273.96
0000001	11/22/2019	Credit Card Transaction - Lockheed Martin	0.00	1,933.10	261,207.06
0004018	11/27/2019	[10016] COUNTY OF LOS ANGELES-1st qtr FY20 Bank fees	129.65	0.00	261,077.41
0004019	11/27/2019	[10023] LOS ANGELES COUNTY CLERK-NOE Fed Neg Dec CTG Oil and Natural Gas Industry	75.00	0.00	261,002.41
0004020	11/27/2019	[10026] MOJAVE DESERT AQMD-Lockheed Martin paid MDAQMD Inv MD11340 to AVAQMD in Error by Credit Card on 11/22/19	1,933.10	0.00	259,069.31
0004021	11/27/2019	[10036] SECURA COM-Qtly Monitoring Service	116.85	0.00	258,952.46
0004022	11/27/2019	[10050] WOELFL FAMILY TRUST-Office Lease Nov 19	4,613.71	0.00	254,338.75

**Antelope Valley AQMD**  
**Bank Register from 11/01/2019 to 11/30/2019**  
**Wells Fargo Operating**

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
R20-11	11/27/2019	Op Fund Rep #11	0.00	136,634.59	390,973.34
0000001	11/29/2019	Credit Card Transaction - Dillards	0.00	440.02	391,413.36
<b>Total for Report:</b>			<b>141,112.18</b>	<b>152,516.24</b>	

**Antelope Valley AQMD**  
**Bank Register from 11/01/2019 to 11/30/2019**  
LA County General Fund P6A

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	11/01/2019	Interest Earned	0.00	5,512.37	2,356,036.61
0000001	11/07/2019	Daily Deposit	0.00	40,271.34	2,396,307.95
0000356	11/12/2019	Daily Deposit	0.00	2,115.20	2,398,423.15
0000001	11/14/2019	Daily Deposit	0.00	6,731.33	2,405,154.48
R20-10	11/14/2019	Op Fund Rep #10	4,287.81	0.00	2,400,866.67
0000001	11/25/2019	Daily Deposit	0.00	173,170.43	2,574,037.10
0082870	11/27/2019	Transfer AB923 - September 2019	51,992.10	0.00	2,522,045.00
0082871	11/27/2019	Transfer AB2766 - September 2019	51,992.10	0.00	2,470,052.90
R20-11	11/27/2019	Op Fund Rep #11	136,634.59	0.00	2,333,418.31
<b>Total for Report:</b>			<b>244,906.60</b>	<b>227,800.67</b>	

**Antelope Valley AQMD**  
**Bank Register from 11/01/2019 to 11/30/2019**  
LA County AB2766 U5R

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	11/01/2019	Interest Earned	0.00	531.75	227,963.48
M20-52	11/12/2019	[10846] EVANS, DAVID R-AB2766 Grant	1,000.00	0.00	226,963.48
M20-53	11/12/2019	[10845] HENRY, DAVID-AB2766 Grant	500.00	0.00	226,463.48
M20-54	11/12/2019	[10848] VAN WORMER, BRANDON-AB2766 Grant	1,000.00	0.00	225,463.48
M20-55	11/12/2019	[10847] HINES, JOHN-AB2766 Grant	1,000.00	0.00	224,463.48
M20-56	11/12/2019	[10849] RUANO, ERICK-AB2766 Grant	500.00	0.00	223,963.48
M20-57	11/12/2019	[10850] MASCARINAS, RYAN-AB2766 Grant	500.00	0.00	223,463.48
M20-58	11/12/2019	[10851] JONES, KEITH-AB2766 Grant	500.00	0.00	222,963.48
M20-59	11/12/2019	[10852] SANCHEZ, ALDO-AB2766 Grant	1,000.00	0.00	221,963.48
M20-60	11/12/2019	[10853] CHRIST, CRAIG P-AB2766 Grant	1,000.00	0.00	220,963.48
M20-61	11/12/2019	[10854] GONZALEZ, ROGELIO ADRION-AB2766 Grant	1,000.00	0.00	219,963.48
M20-62	11/12/2019	[10855] ANTONIEWICZ, ROBERT FRANK-AB2766 Grant	500.00	0.00	219,463.48
M20-63	11/12/2019	[10856] CAMPANO, ANGELO-AB2766 Grant	1,000.00	0.00	218,463.48
M20-64	11/12/2019	[10857] PFEFFER, MARNIE-AB2766 Grant	500.00	0.00	217,963.48
M20-65	11/12/2019	[10054] KENNETH MANN-AB2766 Grant	1,000.00	0.00	216,963.48
M20-66	11/12/2019	[10859] MAURER, PAULINE-AB2766 Grant	1,000.00	0.00	215,963.48
M20-67	11/12/2019	[10860] WIRCH, SEAN-AB2766 Grant	1,000.00	0.00	214,963.48
M20-68	11/12/2019	[10861] FLORES, ERIC ALFREDO-AB2766 Grant	1,000.00	0.00	213,963.48
M20-69	11/12/2019	[10862] BAILEY, GILBERT J-AB2766 Grant	500.00	0.00	213,463.48
M20-70	11/12/2019	[10863] RODRIGUEZ, RUBEN R-AB2766 Grant	1,000.00	0.00	212,463.48
0082871	11/27/2019	Transfer AB2766 - September 2019	0.00	51,992.10	264,455.58
<b>Total for Report:</b>			<b>15,500.00</b>	<b>52,523.85</b>	

**Antelope Valley AQMD**  
**Bank Register from 11/01/2019 to 11/30/2019**  
LA County AB923

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	11/01/2019	Interest Earned	0.00	2,596.18	1,192,067.92
0082870	11/27/2019	Transfer AB923 - September 2019	0.00	51,992.10	1,244,060.02
M20-71	11/27/2019	[10084] ENVIRONMENTAL ENGINEERING STUDIES VAVR-AB923 Grant	2,000.00	0.00	1,242,060.02
<b>Total for Report:</b>			<b>2,000.00</b>	<b>54,588.28</b>	

**Antelope Valley AQMD**  
**Bank Register from 11/01/2019 to 11/30/2019**  
LA County Carl Moyer U5S

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
	11/01/2019	Interest Earned	0.00	1,544.63	523,281.37
C20-06	11/27/2019	[10084] ENVIRONMENTAL ENGINEERING STUDIES VAVR-Moyer Grant	710.00	0.00	522,571.37
<b>Total for Report:</b>			<b>710.00</b>	<b>1,544.63</b>	

**Antelope Valley AQMD**  
**Bank Register from 11/01/2019 to 11/30/2019**  
District Cards

<u>Check/Ref</u>	<u>Date</u>	<u>Name/Description</u>	<u>Check Amount</u>	<u>Deposit Amount</u>	<u>Account Balance</u>
0000058	11/14/2019	November 2019	0.00	2,373.21	2,984.69
0000396	11/15/2019	[10839] BOOT BARN-Invoices 1086, 1087	284.67	0.00	2,700.02
0000397	11/15/2019	[10705] BURBANK AIRPORT PARKING-Airport parking to attend CAPCOA Enforcement Symposium.	10.00	0.00	2,690.02
0000398	11/15/2019	[10580] CUBESMART-Monthly lease payment for storage unit for long term storage of District records and documents.	139.00	0.00	2,551.02
0000399	11/15/2019	[10653] FIRE ACE INC-Fire Extinguisher Service	90.00	0.00	2,461.02
0000400	11/15/2019	[10838] GREAT WALL-Offsite staff meeting discussing operational changes with new hire AQS.	32.97	0.00	2,428.05
0000401	11/15/2019	[10505] HOME DEPOT-Invoices 100119, 1064	474.11	0.00	1,953.94
0000402	11/15/2019	[10837] HYATT REGENCY-Travel Enforcement Symposium, Sacramento-Hyatt 10/1-10/4-2019	698.88	0.00	1,255.06
0000403	11/15/2019	[10836] JACK URBAN GRILL-Dinner while attending CAPCOA Enforcement Symposium.	13.94	0.00	1,241.12
0000404	11/15/2019	[10578] KWIK KEY SERVICE INC-New AVAQMD office keys.	11.50	0.00	1,229.62
0000405	11/15/2019	[10844] LAKE NATOMA INN-Lake Natoma Inn CAPCOA Toxic Symposium	320.70	0.00	908.92
0000406	11/15/2019	[01328] LOWE'S COMPANIES, INC-Invoices 1089, 1090	63.40	0.00	845.52
0000407	11/15/2019	[10689] RAM OF THE WEST-Dist Vehicle Maintenance	120.32	0.00	725.20
0000408	11/15/2019	[10240] RAUSCH, VICKIE-Invoices 1117, 1118, 1119, 1120	68.77	0.00	656.43
0000409	11/15/2019	[10611] SPUDNUT DONUTS-Purchase of refreshment for the October 2019 Governing Board meeting.	10.70	0.00	645.73
0000410	11/15/2019	[10688] USPS-Invoices 092819, 100719	9.90	0.00	635.83
0000411	11/15/2019	[10006] BANK OF THE WEST-Interest Charges	24.35	0.00	611.48
<b>Total for Report:</b>			<b>2,373.21</b>	<b>2,373.21</b>	

The following page(s) contain the backup material for Agenda Item: [Conduct a continued public hearing to consider the adoption of the Federal Negative Declaration for One Control Techniques Guideline\(CTG\) Source Category \(Oil and Natural Gas Industry\): a. Re-Open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act \(CEQA\) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adoption of the Federal Negative Declaration for One CTG Source Category \(Oil and Natural Gas Industry\) and directing staff actions. Presenter: Barbara Lods, Operations Manager.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #6*

**PAGE 1**

**DATE:** 01/21/2020

**RECOMMENDATION:** Conduct a continued public hearing to consider the adoption of the *Federal Negative Declaration for One Control Techniques Guideline(CTG) Source Category (Oil and Natural Gas Industry)*: a. Re-Open the continued public hearing; b. Receive supplemental staff report and/or staff update; c. Receive public testimony; d. Close public hearing; e. Make a determination that the California Environmental Quality Act (CEQA) Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, adoption of the *Federal Negative Declaration for One CTG Source Category (Oil and Natural Gas Industry)* and directing staff actions.

**SUMMARY:** The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is necessary because this source category is not represented within the AVAQMD, and the AVAQMD has been designated nonattainment for ozone and its precursors. For these sources, USEPA requires the submission of a FND certifying that these sources are not present.

**BACKGROUND:** Effective October 26, 2015 (80 FR 65292), the United States Environmental Protection Agency (USEPA) lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.075 parts per million (ppm) to 0.070 ppm. For those CTG source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a FND certifying that those sources are not present. The AVAQMD has been designated nonattainment for ozone and its precursors and is required to provide regulation of major sources in a variety of categories. For these sources, USEPA requires the submission of a FND certifying that these sources are not present. The *FND for One CTG Source Category (Oil and Natural Gas Industry)* must be adopted to account for this source category that has not addressed in any previous action.

This action will adopt the *FND for One CTG Source Category (Oil and Natural Gas Industry)*. This FND is different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, this FND, once adopted by the Governing

cc: Barbara Lods

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #6*

**PAGE 2**

Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in the specified source category that are subject to the applicability threshold of a CTG located within the area designated as non-attainment for ozone within the AVAQMD.

The adoption does not satisfy any other state or federal requirements imposed upon the District. There are no emission reductions associated with this action; no existing rules or regulations are being changed. A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the adoption of the *FND for One CTG Source Category (Oil and Natural Gas Industry)* pursuant to the requirements of CEQA.

Notice for the public hearing for the proposed adoption of the *FND for One CTG Source Category (Oil and Natural Gas Industry)* was published on 11/15/2019.

**REASON FOR RECOMMENDATION:**

**REVIEW BY OTHERS:** This item was reviewed by Karen Nowak, District Counsel as to legal form and by Bret Banks, Executive Director/APCO on or before 01/14/2020.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

**PRESENTER:** Barbara Lods, Operations Manager.

*Antelope Valley*  
Air Quality Management District

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Draft  
Staff Report

Proposed Adoption of the  
*Federal Negative Declaration for  
One Control Techniques Guidelines Source Category  
(Oil and Natural Gas Industry)*

For adoption on  
01/21/2020

43301 DIVISION ST., SUITE 206,  
LANCASTER, CALIFORNIA 93535-4649  
PHONE (661) 723-8070

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## STAFF REPORT

### *Federal Negative Declaration for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry)*

#### I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

#### II. EXECUTIVE SUMMARY

The Antelope Valley Air Quality Management District (AVAQMD) Governing Board is being requested to conduct a public hearing, make findings, and then adopt a resolution adopting the *Federal Negative Declaration for Control Techniques Guidelines (CTG) for the Oil and Natural Gas Industry Source Category* and directing staff actions. The “Federal Negative Declaration” (FNDs) are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, this FND, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in the specified source category that are subject to the applicability threshold of a Control Techniques Guideline (CTG) located within the area designated as non-attainment for ozone within the AVAQMD. The AVAQMD has been designated nonattainment for ozone and its precursors and is required to provide regulation of major sources in a variety of categories. USEPA requires the submission of a Federal Negative Declaration (FND) certifying that these sources are not present. The Federal Negative Declaration for the *Control Techniques Guideline for the Oil and Natural Gas Industry* must be adopted to account for an additional source category not addressed in a previous action, at the request of USEPA.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO<sub>x</sub>) in source categories covered by a Control Techniques Guideline (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a RACT rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. On July 18, 1997, USEPA shifted its ozone standard from measurement on a one-hour basis, to 0.084 ppm measured on an eight-hour basis (8-hour ozone standard). Effective May 27, 2008, USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm (2008 8hr

Standard). On October 26, 2015, USEPA lowered the primary ozone NAAQS from 0.075 ppm to 0.070 ppm (2015 8hr Standard). For purposes of the FCAA, the District has been designated non-attainment for ozone and classified as Severe for the 2008 8hr Standard and the 2015 8hr Standard. As a result of these designations USEPA has required non-attainment areas submit an updated RACT SIP Analysis and adopt any additional FNDs not previously adopted which certify the lack of sources in the particular source category.

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was formed, pursuant to statute (former Health & Safety Code §40106, Ch. 542 Stats. 1996), with a jurisdiction of the Los Angeles County portion of South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin (SCAB). The SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute to replace the AVAPCD (Health & Safety Code §§41300 et seq.). The rules of the AVAPCD remained in effect until the AVAQMD Governing Board superseded or amended them. Thus, the AVAQMD is required to either retain RACT rules or to submit a FND to certify that there are no such sources in the particular source category within its jurisdiction.

The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas industry in the onshore production and processing segments of the oil and natural gas industry (i.e. pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2108 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

The AVAQMD has examined its permit files, emissions inventory and other documentation, including but not limited to, internet search and electronic yellow pages and has determined that there are no sources in the CTG source category for the *Oil and Natural Gas Industry*, located within the jurisdiction of the AVAQMD and none are anticipated in the near future.

Adoption of the FND will satisfy the specific federal requirement described below. The adoption does not satisfy any other state or federal requirements imposed upon the District. There are no emission reductions associated with this action because it does not change any existing rules or regulations.

This item was noticed for the December 17, 2019 Governing Board meeting. The item was continued to the January 21, 2020 Governing Board meeting to address comments from USEPA.

### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAQMD, after conducting a public hearing, adopt the *Federal Negative Declaration for One CTG Source Category*. Such action is necessary to satisfy the federal requirements for submission of FNDs for each source category not represented

within the District meeting the applicability threshold of a CTG or which meets the definition of a major source.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the *Federal Negative Declaration for One CTG Source Category*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

##### **FINDINGS REQUIRED FOR RULES & REGULATIONS**

- Necessity
- Authority
- Clarity
- Consistency
- Non-duplication
- Reference
- Public Notice & Comment
- Public Hearing

##### **REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):**

- Public Notice & Comment
- Availability of Document
- Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- Public Hearing
- Legal Authority to adopt and implement the document.
- Applicable State laws and regulations were followed.

##### **ELEMENTS OF A FEDERAL SUBMISSION**

- Elements as set forth in applicable Federal law or regulations.

##### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):**

- Ministerial Action
- Exemption
- Negative Declaration
- Environmental Impact Report
- Appropriate findings, if necessary.
- Public Notice & Comment

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- Environmental impacts of compliance.
- Mitigation of impacts.
- Alternative methods of compliance.

##### **OTHER:**

- Written analysis of existing air pollution control requirements
- Economic Analysis
- Public Review

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* (Specifically: Oil and Natural Gas Industry). Since this document is required to be adopted pursuant to public notice and other requirements under 42 USC 7410(a)(2), the District considers the rule adoption process pursuant to H&S Code §40702 to be a proper way to meet these requirements. Therefore, these are actions, that need to be performed, and/or information that must be provided, in order to adopt this document in a procedurally correct manner.

#### 1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the AVAQMD Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

##### a. Necessity:

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is necessary because this source category is not represented within the AVAQMD, and the AVAQMD has been designated nonattainment for ozone and its precursors. For these sources, USEPA requires the submission of a FND certifying that these sources are not present.

##### b. Authority:

AVAQMD has the authority pursuant to California Health and Safety Code (H&S Code) §40702, 40725-40728 to adopt, amend or repeal rules and regulations and to do such actions that are necessary or proper to execute the powers and duties granted to and imposed upon AVAQMD. While this action is not specifically a rule or regulation, it is a document necessary to execute the powers and duties granted to and imposed upon the AVAQMD.

##### c. Clarity:

The adoption is clear in that it is written so that the persons can easily understand the scope and necessity of the FND.

##### d. Consistency:

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. This

document is required to be developed pursuant to the FCAA and the regulations promulgated thereunder.

e. Nonduplication:

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* does not impose the same requirements as an existing state or federal law or regulation because federal law requires the adoption and certification of “Negative Declarations” for those source categories not represented within the area designated non-attainment for ozone which are covered by a CTG and meet the CTG applicability threshold, or which meet the definition of a major source.

f. Reference:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations and other documents required to execute the powers and duties granted to and imposed upon the AVAQMD.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* was published November 15, 2019 for the December 17, 2019 Governing Board Meeting. The item was then continued to the January 21, 2020 meeting to address comments from USEPA. See Appendix “B” for a copy of the public notice. See Appendix C for copies of comments, if any, and AVAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law which requires the submittal. The information below indicates which elements are required for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The adoption of the *Federal Negative Declaration for One CTG Source Category* is subject to all the requirements for a SIP submittal because the “Negative Declarations” will be included in the AVAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* was published November 15, 2019. The item was then continued to the January 21, 2020 meeting to address comments from USEPA. See Appendix “B” for a copy of the public notice.

c. Availability of Document:

Copies of the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* and the accompanying draft staff report was made available to the public on or before November 15, 2019.

d. Notice to Specified Entities

Copies of the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* and the accompanying draft staff report will be sent to all affected agencies, including but not limited to CARB and USEPA. The proposed amendments was sent to CARB and USEPA on or before November 2, 2019.

e. Public Hearing:

A public hearing to consider the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* was set for the December 17, 2019 Governing Board Meeting. The item was then continued to the January 21, 2020 meeting to address comments from USEPA.

f. Legal Authority to Adopt and Implement:

The AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the AVAQMD.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is required to adopt and certify FNDs for those source categories not represented within the area designated non-attainment for ozone.

C. ECONOMIC ANALYSIS

1. General

Adoption of this FND will identify a CTG source category that is not represented within the area designated non-attainment. The adoption will have no economic impact.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds, oxides of nitrogen or oxides of sulfur.

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is not subject to incremental cost effectiveness calculations because this document does not impose BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category*.

1. The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* meets the CEQA definition of “project.” They are not “ministerial” actions.
2. The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is exempt from CEQA review because it will not create any adverse impacts on the environment since there are no sources in this category and this document merely certifies this fact. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

## E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

### 1. Potential Environmental Impacts

There are no potential negative environmental impacts of compliance with the proposed adoption of the FND.

### 2. Mitigation of Impacts

N/A

### 3. Alternative Methods of Compliance

N/A

## F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix B.

## VI. TECHNICAL DISCUSSION

The *Federal Negative Declaration for One CTG Source Category* must be adopted to account for a source category that was not included in a previous adoption. This FND is being adopted for the 2008 and 2015 Ozone Standards. .

### A. SIP HISTORY

#### 1. SIP History.

The AVAPCD came into existence pursuant to statute on July 1, 1997 Health & Safety Code 40106, A.B. 266-Knight Ch. 542, statutes of 1996). The rules and regulations of the SCAQMD remain in effect within the AVAPCD until the AVAPCD Governing Board adopts, amends or rescinds new ones Health & Safety Code 40106(e)). Since the SIP applies to the territory for which it was approved at the time it was approved, the AVAPCD also inherited the SCAQMD SIP applicable to the Los Angeles County portion of the South East Desert Air Basin (now called the Mojave Desert Air Basin) prior to July 1, 1997. On January 1, 2002 the AVAQMD was created pursuant to statute H&S Code 41300 et seq.) to replace the AVAPCD. Once again the SIP in effect at the time of the change remained in effect until the AVAQMD Governing Board superseded, amended or rescinded it.

#### 2. SIP Analysis.

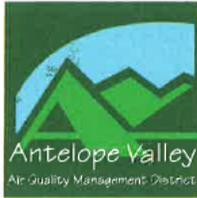
The District will request CARB to submit the proposed *Federal Negative Declaration for One Source Category* to the USEPA for inclusion into the SIP.



**APPENDIX "A"**  
*Federal Negative Declaration for One CTG Source Category*

1. Antelope Valley Air Quality Management District Federal Negative Declaration for One Control Techniques Guideline Source Category, 10/25/2019

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Antelope Valley Air Quality Management District  
43301 Division St., Suite 206  
Lancaster, CA 93535-4649

661.723.8070

**Antelope Valley Air Quality Management District  
Federal Negative Declaration (8-hour Ozone Standards) for  
*One Control Techniques Guideline Source Category***

The Federal Clean Air Act (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO<sub>x</sub>) in source categories covered by a Control Techniques Guideline (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a RACT rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. On July 18, 1997, USEPA shifted its ozone standard from measurement on a one-hour basis, to 0.084 ppm measured on an eight-hour basis (8-hour ozone standard). Effective May 27, 2008, USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm (2008 8hr Standard). On October 1, 2015, USEPA lowered the primary ozone NAAQS from 0.075 ppm to .070 ppm (2015 8hr Standard). For purposes of the FCAA, the District has been designated non-attainment for ozone and classified as Severe for the 2008 8hr Standard and the 2015 8hr Standard. As a result of these designations USEPA has required non-attainment areas submit an updated RACT SIP Analysis and adopt any additional FNDs not previously adopted which certify the lack of sources in the particular source category.

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was formed, pursuant to statute (former Health & Safety Code §40106, Ch. 542 Stats. 1996), with a jurisdiction of the Los Angeles County portion of South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin (SCAB). The SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute to replace the AVAPCD (Health & Safety Code §§41300 et seq.). The rules of the AVAPCD remained in effect until the AVAQMD Governing Board superseded or amended them. Thus, the AVAQMD is required to either retain RACT rules or to submit a FND to certify that there are no such sources in the particular source category within its jurisdiction.

The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas



industry in the onshore production and processing segments of the oil and natural gas industry (i.e.) pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2018 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

The AVAQMD has examined its permit files, emissions inventory and other documentation, including but not limited to internet search and electronic yellow pages and has determined that there are no sources in the CTG source category for the *Oil and Natural Gas Industry*, located within the jurisdiction of the AVAQMD and none are anticipated in the near future.

I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any stationary sources or emitting facilities for the referenced category located within the jurisdiction of the District. Therefore the AVAQMD requests the USEPA to approve this FND for the 8-hour 0.075 ppm and the 8-hour .070 ppm Ozone Standards and include it in the State Implementation Plan for the AVAQMD.



\_\_\_\_\_  
Bret Banks  
Executive Director

1/2/20  
\_\_\_\_\_  
Date

APPENDIX "B"  
PUBLIC NOTICE DOCUMENTS

1. Proof of Publication - Antelope Valley Press, November 15, 2019

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**AFFIDAVIT OF PUBLICATION**

(2015.5 C.C.P.)

The space above for file stamp only

STATE OF CALIFORNIA }  
County of Los Angeles } ss

**NOTICE OF HEARING  
FEDERAL NEGATIVE DECLARATION (FND) FOR  
ONE CONTROL TECHNIQUES GUIDELINES  
SOURCE CATEGORY (OIL AND NATURAL GAS  
INDUSTRY)**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Antelope Valley Press**, a newspaper of general circulation, printed and published **daily** in the city of **Palmdale**, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the **City of Lancaster**, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**November 15, 2019**

I certify (or declare) under penalty of perjury that the fore-going is true and correct.

*Alexandra Burns*

Signature

**Dated November 15, 2019**  
Executed at Palmdale, California

*Valley Press*

37404 SIERRA HWY., PALMDALE CA 93550  
Telephone (661)267-4112/Fax (661)947-4870

**NOTICE OF HEARING**

NOTICE IS HEREBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on December 17, 2019 at 10:00 A.M. to consider the proposed adoption of the Federal Negative Declaration (FND) for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry).

**SAID HEARING** will be conducted in the Governing Board Chambers located at the 43301 Division Street, Suite 206, Lancaster, CA 93535-4649 where all interested persons may be present and be heard. Copies of the proposed adoption of FND for the Control Techniques Guidelines for the Oil and Natural Gas Industry and the Staff Report are posted on the AVAQMD website at [www.avaqmd.ca.gov](http://www.avaqmd.ca.gov) and are also available at the AVAQMD office at 43301 Division Street, Suite 206, Lancaster, CA 93535. Written comments may be submitted to Bret Banks, APCCO, at the above office address. Written comments must be received no later than December 16, 2019 to be considered. Traducción esta disponible por solicitud.

The Federal Negative Declaration (FND) for Control Techniques Guidelines (CTG) for the Oil and Natural Gas Industry is proposed for adoption. This FND is different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, this FND, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in the specified source category that are subject to the applicability threshold of a CTG located within the area designated as non-attainment for ozone within the AVAQMD. The AVAQMD has been designated nonattainment for ozone and its precursors and is required to provide regulation of major sources in a variety of categories. For these sources, USEPA requires the submission of a FND certifying that these sources are not present. The FND for the CTG for the Oil and Natural Gas Industry must be adopted to account for this source category that has not addressed in any previous action.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 6 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

Publish: November 15, 2019

**AVAQMD  
NOV 18 2019  
RECEIVED**

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**APPENDIX "C"**  
**PUBLIC COMMENTS AND RESPONSES**

1. Rebecca Newhouse, USEPA, 12/13/2019

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1. Rebecca Newhouse, USEPA Comment, 12/13/2019

From: [Newhouse, Rebecca](#)  
To: [Barbara Lodi](#); [Tony Stanley](#); [Lo, Doris](#)  
Cc: [Bret Banks](#); [Law, Nicole](#)  
Subject: RE: Proposed adoption of the Federal Negative Declaration for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry)  
Date: Friday, December 13, 2019 7:12:05 PM

Hi Barbara, thanks for the opportunity to comment on the draft neg dec for the Oil and Natural Gas CTG.

Here are my comments:

1

- 1. As is described in pg 1 of the staff report in the Executive Summary, the negative declaration will serve as "official certification to the [USEPA] that there are no stationary sources or emitting facilities [emphasis added] in the specified source category that are subject to the applicability threshold of a [CTG] located within the area designated as non-attainment for ozone with AVAQMD."

However, the certification statement on Pg A-4, paragraph 3, limits this certification to only "major" sources:

Pg A-4, paragraph 3: "I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any major stationary sources [emphasis added] in the referenced category located within the jurisdiction of the District."

After ensuring that there are no stationary sources or emitting facilities subject to the oil and natural gas CTG, please amend the above certification statement to delete the word "major." We recommend the following changes:

"I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any ~~major stationary sources~~ or emitting facilities in for the referenced category located within the jurisdiction of the District."

2

- 2. Pg 1, paragraph 2: for clarity, we recommend the following edits:

"Where there are no stationary sources or emitting facilities subject to the U.S. EPA CTG documents For these sources, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that these sources are not present.

3

- 3. Pg 1, paragraph 3 (and pg A-3, paragraph 1): The document indicates EPA shifted the ozone measurement standard from one hour to 8 hr standard on March 9, 2006—I think this is an error, with the correct date being July 18, 1997 (62 FR 38856).

4

- 4. On page 4, paragraph 4, it states that "The AVAQMD has examined its permit files, emissions inventory and other documentation and has determined that there are no sources in the CTG source category..."

if possible, please be as specific as possible regarding what "other documentation" was used to make this determination.

Please let me know if you have any questions.

Rebecca

Rebecca Newhouse, PhD U.S. EPA Region 9, Air Rules Office (AIR 3-2)  
75 Hawthorne Street San Francisco, CA 94105 (415) 972-3004  
newhouse.rebecca@epa.gov

1. District Response to Rebecca Newhouse, USEPA comment, 12/13/2019

1. Certification statement has been amended as per USEPA comment.
2. For clarity, Pg. 1, paragraph 2 recommended edits have been made.
3. Incorrect date has been corrected.
4. Clarification was added regarding “other documentation”.

APPENDIX "D"  
CALIFORNIA ENVIRONMENTAL QUALITY ACT  
DOCUMENTATION

1. Draft Notice of Exemption – Los Angeles County

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## NOTICE OF EXEMPTION

**TO:** Los Angeles County Clerk  
12400 E. Imperial Hwy, #1001  
Norwalk, CA 90650

**FROM:** Antelope Valley  
Air Quality Management District  
43301 Division Street, Suite 206  
Lancaster, CA 93535-4649

AVAQMD Clerk of the Governing Board

**PROJECT TITLE:** Adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry)*

**PROJECT LOCATION – SPECIFIC:** Los Angeles County portion of the Mojave Desert Air Basin.

**PROJECT LOCATION – COUNTY:** Los Angeles County

**DESCRIPTION OF PROJECT:** Effective October 26, 2015 (80 FR 65292), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.075 parts per million (ppm) to 0.070 ppm (70 ppb). The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to Control Technique Guidelines (CTG) documents issued by the USEPA for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors. The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas industry in the onshore production and processing segments of the oil and natural gas industry (i.e. pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2018 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Antelope Valley AQMD

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Antelope Valley AQMD

**EXEMPT STATUS (CHECK ONE)**

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

**REASONS WHY PROJECT IS EXEMPT:** The proposed adoption of the *Federal Negative Declarations for One CTG Source Category* is exempt from CEQA review because it will not create any adverse impacts on the environment since there are no sources in this one category and this document merely certifies this fact. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

**LEAD AGENCY CONTACT PERSON:** Bret Banks **PHONE:** (661) 723-8070

**SIGNATURE:** \_\_\_\_\_ **TITLE:** Executive Director **DATE:** January 21, 2020

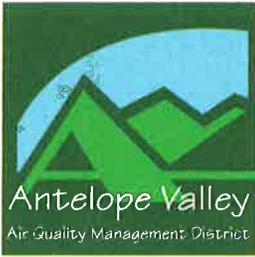
**DATE RECEIVED FOR FILING:**

## APPENDIX "E" BIBLIOGRAPHY

The following documents were consulted in the preparation of this staff report and the proposed adoption of the *Federal Negative Declaration for One CTG Source Category*:

1. EPA – Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA-453/B-16-001, October 2016

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**Antelope Valley Air Quality Management District  
Federal Negative Declaration (8-hour Ozone Standards) for  
*One Control Techniques Guideline Source Category***

The Federal Clean Air Act (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO<sub>x</sub>) in source categories covered by a Control Techniques Guideline (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a RACT rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. On July 18, 1997, USEPA shifted its ozone standard from measurement on a one-hour basis, to 0.084 ppm measured on an eight-hour basis (8-hour ozone standard). Effective May 27, 2008, USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm (2008 8hr Standard). On October 1, 2015, USEPA lowered the primary ozone NAAQS from 0.075 ppm to .070 ppm (2015 8hr Standard). For purposes of the FCAA, the District has been designated non-attainment for ozone and classified as Severe for the 2008 8hr Standard and the 2015 8hr Standard. As a result of these designations USEPA has required non-attainment areas submit an updated RACT SIP Analysis and adopt any additional FNDs not previously adopted which certify the lack of sources in the particular source category.

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was formed, pursuant to statute (former Health & Safety Code §40106, Ch. 542 Stats. 1996), with a jurisdiction of the Los Angeles County portion of South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin (SCAB). The SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute to replace the AVAPCD (Health & Safety Code §§41300 et seq.). The rules of the AVAPCD remained in effect until the AVAQMD Governing Board superseded or amended them. Thus, the AVAQMD is required to either retain RACT rules or to submit a FND to certify that there are no such sources in the particular source category within its jurisdiction.

The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas

industry in the onshore production and processing segments of the oil and natural gas industry (i.e.) pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2018 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

The AVAQMD has examined its permit files, emissions inventory and other documentation, including but not limited to internet search and electronic yellow pages and has determined that there are no sources in the CTG source category for the *Oil and Natural Gas Industry*, located within the jurisdiction of the AVAQMD and none are anticipated in the near future.

I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any stationary sources or emitting facilities for the referenced category located within the jurisdiction of the District. Therefore the AVAQMD requests the USEPA to approve this FND for the 8-hour 0.075 ppm and the 8-hour .070 ppm Ozone Standards and include it in the State Implementation Plan for the AVAQMD.



---

Bret Banks  
Executive Director

1/2/20  
Date

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, ADOPTING THE FEDERAL NEGATIVE DECLARATION FOR ONE SOURCE CATEGORY AND DIRECTING STAFF ACTIONS.**

On January 21, 2020 on motion by Member Board Member Name, seconded by Member Board Member Name, and carried, the following resolution is adopted:

**WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702, 40725-40728 to adopt, amend or repeal rules and regulations; and

**WHEREAS**, once again the rules in effect at the time of the change remained in effect until the AVAQMD Governing Board superseded or amended them

**WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) Governing Board is being requested to conduct a public hearing, make findings, and then adopt a resolution adopting the *Federal Negative Declaration for Control Techniques Guidelines (CTG) for the Oil and Natural Gas Industry Source Category* and directing staff actions; and

**WHEREAS**, the “Federal Negative Declaration” (FNDs) are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA); and

**WHEREAS**, instead, this FND, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in the specified source category that are subject to the applicability threshold of a Control Techniques Guideline (CTG) located within the area designated as non-attainment for ozone within the AVAQMD; and

**WHEREAS**, the AVAQMD has been designated nonattainment for ozone and its precursors and is required to provide regulation of major sources in a variety of categories; and

**WHEREAS**, USEPA requires the submission of a Federal Negative Declaration (FND) certifying that these sources are not present; and

**WHEREAS**, the Federal Negative Declaration for the *Control Techniques Guideline for the Oil and Natural Gas Industry* must be adopted to account for an additional source category not addressed in a previous action, at the request of USEPA; and

**RESOLUTION \_\_\_\_\_**

1           **WHEREAS**, the Federal Clean Air Act (FCAA) requires areas designated non-attainment for  
2 ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution  
3 to implement Reasonably Available Control Technology (RACT); and

4           **WHEREAS**, rules are required for all sources of Volatile Organic Compounds (VOCs) and  
5 Oxides of Nitrogen (NO<sub>x</sub>) in source categories covered by a Control Techniques Guideline (CTG)  
6 document issued by the United States Environmental Protection Agency (USEPA) and for any other  
7 major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA  
8 182(b)(2)); and

9           **WHEREAS**, if a RACT rule is unnecessary because a source category does not exist within the  
10 affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that  
11 those sources are not present; and

12           **WHEREAS**, on July 18, 1997, USEPA shifted its ozone standard from measurement on a one-  
13 hour basis, to 0.084 ppm measured on an eight-hour basis (8-hour ozone standard); and

14           **WHEREAS**, effective May 27, 2008, USEPA lowered the primary ozone National Ambient Air  
15 Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm (2008 8hr Standard); and

16           **WHEREAS**, on October 26, 2015, USEPA lowered the primary ozone NAAQS from 0.075 ppm  
17 to 0.070 ppm (2015 8hr Standard); and

18           **WHEREAS**, for purposes of the FCAA, the District has been designated non-attainment for  
19 ozone and classified as Severe for the 2008 8hr Standard and the 2015 8hr Standard; and

20           **WHEREAS**, as a result of these designations USEPA has required non-attainment areas submit  
21 an updated RACT SIP Analysis and adopt any additional FNDs not previously adopted which certify the  
22 lack of sources in the particular source category; and

23           **WHEREAS**, on July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was  
24 formed, pursuant to statute (former Health & Safety Code §40106, Ch. 542 Stats. 1996), with a  
25 jurisdiction of the Los Angeles County portion of South Coast Air Quality Management District  
26 (SCAQMD) that was not within the South Coast Air Basin (SCAB); and

27           **WHEREAS**, the SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD  
28 Governing Board superseded or amended them; and

**RESOLUTION \_\_\_\_\_**

1           **WHEREAS**, on January 1, 2002 the AVAQMD was formed pursuant to statute to replace the  
2 AVAPCD (Health & Safety Code §§41300 et seq.); and

3           **WHEREAS**, the rules of the AVAPCD remained in effect until the AVAQMD Governing Board  
4 superseded or amended them; and

5           **WHEREAS**, thus, the AVAQMD is required to either retain RACT rules or to submit a FND to  
6 certify that there are no such sources in the particular source category within its jurisdiction; and

7           **WHEREAS**, the CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-  
8 001, October 2016); and

9           **WHEREAS**, this CTG covers emission sources in the oil and natural gas industry in the onshore  
10 production and processing segments of the oil and natural gas industry (i.e. pneumatic controllers,  
11 pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions  
12 in all segments (except distribution) of the oil and natural gas industry; and

13           **WHEREAS**, thus, a rule or FND was required to be submitted no later than 10/27/2018 in  
14 response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard; and

15           **WHEREAS**, the FND was not adopted at that time pursuant to EPA direction due to a possibility  
16 of the CTG being withdrawn (83 FR 10478, March 9, 2018); and

17           **WHEREAS**, to date, the Oil and Natural Gas CTG has not been withdrawn and the required FND  
18 is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone  
19 standard; and

20           **WHEREAS**, the AVAQMD has examined its permit files, emissions inventory and other  
21 documentation, including but not limited to, internet search and electronic yellow pages, and has  
22 determined that there are no sources in the CTG source category for the *Oil and Natural Gas Industry*,  
23 located within the jurisdiction of the AVAQMD and none are anticipated in the near future; and

24           **WHEREAS**, adoption of the FND will satisfy the specific federal requirement described below.  
25 The adoption does not satisfy any other state or federal requirements imposed upon the District; and

26           **WHEREAS**, there are no emission reductions associated with this action because it does not  
27 change any existing rules or regulations; and

28 //

**RESOLUTION \_\_\_\_\_**

1           **WHEREAS**, adoption of the FND will satisfy the specific federal requirement described below;  
2 and

3           **WHEREAS**, the adoption does not satisfy any other state or federal requirements imposed upon  
4 the District; and

5           **WHEREAS**, there are no emission reductions associated with this action because it does not  
6 change any existing rules or regulations

7           **WHEREAS**, the proposed adoption is in harmony with, and not in conflict with, or contradictory  
8 to existing statutes, court decisions, or state or federal regulations because H&S Code §§41512.7 and  
9 42311(a) provide that an air district may adopt a schedule of annual fees for the evaluation, issuance, and  
10 renewal of permits to cover the cost of district programs related to stationary sources; and

11           **WHEREAS**, the proposed adoption does not impose the same requirements as any existing State  
12 or federal regulation because H&S Code 42311 and various other sections merely authorize the  
13 imposition of such fees but do not specify the types and amounts of fees to be imposed; and

14           **WHEREAS**, the proposed adoption is needed to circumvent the disruption of anticipated revenue  
15 that is created when a major facility is late paying their permit fees; and

16           **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code  
17 §40725, concerning the proposed adoption of the Federal Negative Declaration for Control Techniques  
18 Guidelines (CTG) for the Oil and Natural Gas Industry Source Category and

19           **WHEREAS**, this item was noticed for the December 17, 2019 Governing Board meeting; and

20           **WHEREAS**, the item was continued to the January 21, 2020 Governing Board meeting to address  
21 comments from USEPA and

22           **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the  
23 proposed adoption of the Federal Negative Declaration for Control Techniques Guidelines (CTG) for the  
24 Oil and Natural Gas Industry Source Category, completed in compliance with the California  
25 Environmental Quality Act (CEQA), has been presented to the AVAQMD Board; each member having  
26 reviewed, considered and approved the information contained therein prior to acting on the proposed  
27 adoption the Federal Negative Declaration for Control Techniques Guidelines (CTG) for the Oil and  
28

**RESOLUTION \_\_\_\_\_**

1 Natural Gas Industry Source Category, and the AVAQMD Board having determined that the proposed  
2 adoption will not have any potential for resulting in any adverse impact upon the environment; and

3       **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

4       **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds  
5 that the proposed adoption of the Federal Negative Declaration for Control Techniques Guidelines (CTG)  
6 for the Oil and Natural Gas Industry Source Category is necessary, authorized, clear, consistent, non-  
7 duplicative and properly referenced; and

8       **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a  
9 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of  
10 Exemption for the proposed adoption of Federal Negative Declaration for Control Techniques Guidelines  
11 (CTG) for the Oil and Natural Gas Industry Source Category; and

12       **BE IT FURTHER RESOLVED**, that the Board of the AVAQMD does hereby adopt, pursuant to  
13 the authority granted by law, the proposed adoption of the Federal Negative Declaration for Control  
14 Techniques Guidelines (CTG) for the Oil and Natural Gas Industry Source Category, as set forth in the  
15 attachments to this resolution and incorporated herein by this reference; and

16       **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,  
17 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions  
18 of CEQA.

19 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Antelope Valley Air Quality  
20 Management District by the following vote:

21 AYES:                   MEMBER:  
22 NOES:                   MEMBER:  
23 ABSENT:                MEMBER:  
24 ABSTAIN:              MEMBER:

25  
26 STATE OF CALIFORNIA        )  
27 COUNTY OF LOS ANGELES    )       SS:  
28                                    )

**RESOLUTION \_\_\_\_\_**

1 I, Deanna Hernandez, Senior Executive Analyst of the Governing Board of the Antelope Valley  
2 Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the  
3 record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of  
4 January 21, 2020.

5 \_\_\_\_\_  
6 Senior Executive Analyst  
7 Antelope Valley Air Quality Management District.  
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The following page(s) contain the backup material for Agenda Item: [Conduct a public hearing to consider the Request for USEPA to remove Rule 206 – Posting of Permit to Operate from the SIP](#) a. [Open public hearing](#); b. [Receive staff report](#); c. [Receive public testimony](#); d. [Close public hearing](#); e. [Make a determination that the CEQA Categorical Exemption applies](#); f. [Waive reading of Resolution](#); g. [Adopt Resolution making appropriate findings, certifying the Notice of Exemption, Requesting that USEPA remove Rule 206 from the SIP, withdrawing subsequent versions of Rule 206 from SIP submission, and directing staff actions](#). Presenter: [Barbara Lods, Operations Manager](#). Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #7*

**DATE:** January 21, 2020

**RECOMMENDATION:** Conduct a public hearing to consider the Request for USEPA to remove Rule 206 – *Posting of Permit to Operate* from the SIP a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Close public hearing; e. Make a determination that the CEQA Categorical Exemption applies; f. Waive reading of Resolution; g. Adopt Resolution making appropriate findings, certifying the Notice of Exemption, Requesting that USEPA remove Rule 206 from the SIP, withdrawing subsequent versions of Rule 206 from SIP submission, and directing staff actions.

**SUMMARY:** Rule 206 is proposed to be removed from the SIP at USEPA’s request because USEPA has indicated that such rule is unnecessary. Since prior versions of Rule 206 are in the SIP the removal request is required to undergo full rulemaking process.

**BACKGROUND:** The State Implementation Plan (SIP) for the Antelope Valley Air Quality Management District (AVAQMD or District) consists of a variety of Rules, Planning Documents, Federal Negative Declarations, Inventories along with other items submitted and approved by the United States Environmental Protection Agency (USEPA) to comply with requirements of the Federal Clean Air Act. Once approved, items placed in the SIP remain in the SIP until removed by specific actions as part of subsequent approvals. Submissions and their attendant approvals apply to the area for which they are submitted regardless of the agency which currently has jurisdiction over the area.

The original SIP submissions for the area now within the AVAQMD were made by the then Los Angeles County Air Pollution Control District (LACAPCD) in 1972. Between June of 1975 and February 1, 1977, SIP submissions applicable to the AVAQMD’s jurisdiction were made by a Joint Powers Agency known as the Southern California Air Pollution Control District (So Cal APCD). Due to specific wording in the statute creating the South Coast Air Quality Management District (SCAQMD) that excluded non-South Coast Air Basin (SCAB) areas the California Air Resources Board (CARB) adopted and submitted as a SIP revision for the non-SCAB area of Los Angeles County under the moniker Los Angeles County Air Pollution Control District (Los Angeles County APCD) via to Executive Order G-73 of 1977

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #7*

**PAGE 2**

(G-73 Rulebook). Shortly thereafter the statute regarding SCAQMD was changed to allow non-SCAB areas to “opt in” to the newly created SCAQMD. The Los Angeles County Board of Supervisors, which was at the time the defacto governing body of the LACAPCD, opted into SCAQMD and SIP submissions applicable to the Antelope Valley were made by SCAQMD until the formation of the Antelope Valley Air Pollution Control District (AVAPCD) on July 1, 1997. On January 1, 2002 the AVAPCD became the AVAQMD and all subsequent SIP submissions have been identified as such.

This long history of air pollution control in the Antelope Valley means that from time to time rules and other items remain in the SIP despite the fact that they are no longer necessary for Federal Clean Air Act compliance purposes, were submitted and approved in error, or were not specifically removed when a subsequent action was taken by USEPA. Rule 206 – *Posting of Permit to Operate* is one of these items. This rule was first adopted by the So Cal APCD on 2/6/1976 and was approved into the SIP at 40 CFR 52.220(c)(31)(vi)(C) (43 FR 52237, 11/9/1978) and was effective within the AVAQMD’s jurisdiction. The G-73 Rulebook adopted the same rule for the non-SCAB area of Los Angeles County and it was approved at 40 CFR 52.220(c)(39)(iii)(B) (43 FR 52237 11/9/1978) which was also effective within the AVAQMD. SCAQMD submitted subsequent versions of Rule 206 on 12/31/1990 and 5/5/1991 but no action was taken by USEPA. Similarly, the AVAPCD amended the rule on 8/19/1997 and it was submitted as a SIP revision on 3/10/1997. Once again, no action has been taken by USEPA to date on this submittal.

USEPA has recently informed CARB that Rule 206 does not need to be in the SIP. Since there are prior versions in the SIP a full SIP submittal process, including notice and public hearing, is required to request their removal. The proposed action will approve the request for removal of Rule 206 from the SIP and withdraw subsequent versions from SIP submission. It does not and will not remove the Rule and its requirements from the District Rule book. Sources will still be required to comply with permit posting requirements but USEPA deemed unnecessary rule will be removed from the SIP. A Notice of Exemption, Categorical Exemption (Class 8; 14 Cal. Code Reg. §15308) will be prepared by the AVAQMD for the Amendment of Rule 462 pursuant to the requirements of CEQA.

**REASON FOR RECOMMENDATION:** 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

**REVIEW BY OTHERS:** This item was reviewed as to legal form by Karen Nowak, District Counsel and by Bret Banks, Executive Director/APCO on or before January 6, 2020.

**FINANCIAL DATA:** No increase in appropriation is anticipated.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #7*

**PAGE 3**

**PRESENTER:** Barbara Lods, Operations Manager.



Draft  
Staff Report  
Proposed Removal of  
Rule 206 – *Posting of Permit to Operate*  
from the State Implementation Plan  
for the AVAQMD

For approval on  
January 21, 2020

43301 DIVISION ST., SUITE 206,  
LANCASTER, CALIFORNIA 93535-4649  
PHONE (661) 723-8070  
FAX (661) 723-345

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## List of Acronyms

AVAQMD	Antelope Valley Air Quality Management District
BACT	Best Available Control Technology
BARCT	Best Available Retrofit Control Technology
CARB	California Air Resources Board
CCAA	California Clean Air Act
CEQA	California Environmental Quality Act
FCAA	Federal Clean Air Act
G73 Rulebook	Rulebook adopted for non-SCAB area of Los Angeles County via Executive Order G-73 of 1977
H&S Code	California Health & Safety Code
LACAPCD	Los Angeles County Air Pollution Control District (Mid 1950's – June 1975)
Los Angeles County APCD	Moniker under which CARB submitted the G-73 Rulebook
MDAB	Mojave Desert Air Basin
NO <sub>x</sub>	Oxides of Nitrogen
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
So Cal APCD	Southern California Air Pollution Control District (a JPA June 1975 – February 1977)
SIP	State Implementation Plan
SO <sub>x</sub>	Oxides of Sulfur
USEPA	U.S. Environmental Protection Agency
VOC	Volatile Organic Compounds

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# **STAFF REPORT**

## **Removal of Rule 206 from the State Implementation Plan**

### **I. PURPOSE OF STAFF REPORT**

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

### **II. EXECUTIVE SUMMARY**

The State Implementation Plan (SIP) for the Antelope Valley Air Quality Management District (AVAQMD or District) consists of a variety of Rules, Planning Documents, Federal Negative Declarations, Inventories along with other items submitted and approved by the United States Environmental Protection Agency (USEPA) to comply with requirements of the Federal Clean Air Act. Once approved, items placed in the SIP remain in the SIP until removed by specific actions as part of subsequent approvals. Submissions and their attendant approvals apply to the area for which they are submitted regardless of the agency which currently has jurisdiction over the area.

The original SIP submissions for the area now within the AVAQMD were made by the then Los Angeles County Air Pollution Control District (LACAPCD) in 1972. Between June of 1975 and February 1, 1977, SIP submissions applicable to the AVAQMD's jurisdiction were made by a Joint Powers Agency known as the Southern California Air Pollution Control District (So Cal APCD). Due to specific wording in the statute creating the South Coast Air Quality Management District (SCAQMD) that excluded non-South Coast Air Basin (SCAB) areas the California Air Resources Board (CARB) adopted and submitted as a SIP revision for the non-SCAB area of Los Angeles County under the moniker Los Angeles County Air Pollution Control District (Los Angeles County APCD) via to Executive Order G-73 of 1977 (G-73 Rulebook). Shortly thereafter the statute regarding SCAQMD was changed to allow non-SCAB areas to "opt in" to the newly created SCAQMD. The Los Angeles County Board of Supervisors, which was at the time the defacto governing body of the LACAPCD, opted into SCAQMD and SIP submissions applicable to the Antelope Valley were made by SCAQMD until the formation of the Antelope Valley Air Pollution Control District (AVAPCD) on July 1, 1997. On January 1, 2002 the AVAPCD became the AVAQMD and all subsequent SIP submissions have been identified as such.

This long history of air pollution control in the Antelope Valley means that from time to time rules and other items remain in the SIP despite the fact that they are no longer necessary for

Federal Clean Air Act compliance purposes, were submitted and approved in error, or were not specifically removed when a subsequent action was taken by USEPA. Rule 206 – *Posting of Permit to Operate* is one of these items. This rule was first adopted by the So Cal APCD on 2/6/1976 and was approved into the SIP at 40 CFR 52.220(c)(31)(vi)(C) (43 FR 52237, 11/9/1978) and was effective within the AVAQMD’s jurisdiction. The G-73 Rulebook adopted the same rule for the non-SCAB area of Los Angeles County and it was approved at 40 CFR 52.220(c)(39)(iii)(B) (43 FR 52237 11/9/1978) which was also effective within the AVAQMD. SCAQMD submitted subsequent versions of Rule 206 on 12/31/1990 and 5/5/1991 but no action was taken by USEPA. Similarly, the AVAPCD amended the rule on 8/19/1997 and it was submitted as a SIP revision on 3/10/1997. Once again, no action has been taken by USEPA to date on this submittal.

USEPA has recently informed CARB that Rule 206 does not need to be in the SIP. Since there are prior versions in the SIP a full SIP submittal process, including notice and public hearing, is required to request their removal. The proposed action will approve the request for removal of Rule 206 from the SIP and withdraw subsequent versions from SIP submission. It does not and will not remove the Rule and its requirements from the District Rule book. Sources will still be required to comply with permit posting requirements but USEPA deemed unnecessary rule will be removed from the SIP.

### III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAQMD approve the request to remove Rule 206 – *Posting of Permit to Operate* from the State Implementation Plan for the AVAQMD, retain Rule 206 in the District’s rulebook, withdraw subsequent versions of Rule 206 from SIP submission, and approve the appropriate California Environmental Quality Act (CEQA) documentation. This action is necessary to allow Rule 206 to be properly removed from the State Implementation Plan.

#### IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct approval of the request for removal of Rule 206 – Posting of Permit to Operate from the SIP. Each item is discussed, if applicable, in Section V. Copies of related documents are included in the appropriate appendices.

##### **FINDINGS REQUIRED FOR RULES & REGULATIONS:**

- N/A Necessity
- N/A Authority
- N/A Clarity
- N/A Consistency
- N/A Nonduplication
- N/A Reference
- N/A Public Notice & Comment
- N/A Public Hearing

##### **REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):**

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

##### **ELEMENTS OF A FEDERAL SUBMISSION:**

- N/A Elements as set forth in applicable Federal law or regulations.

##### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):**

- N/A Ministerial Action
- X Exemption
- N/A Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- N/A Public Notice & Comment

##### **SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):**

- N/A Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

##### **OTHER:**

- N/A Written analysis of existing air pollution control requirements
- X Economic Analysis
- X Public Review

## V. DISCUSSION OF LEGAL REQUIREMENTS

### A. REQUIRED ELEMENTS/FINDINGS

This section discusses the statutory requirements that apply to proposed adoptions of Rules and Regulations.

#### 1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. Since the proposed action does not affect or change the text or the applicability of Rule 206 for State purposes these requirements do not apply and are thus omitted from this Staff Report. The District also, pursuant to Health & Safety Code §40702, has the authority to do such acts as may be necessary or proper to execute the powers and duties granted to and imposed upon the District. Requesting removal from the SIP and requesting withdrawal of a SIP submission is necessary to execute these duties.

#### 2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying Federal law that requires the submittal. The information below indicates which elements are required for the proposed request for USEPA to remove Rule 206 – *Posting of Permit to Operate* from the SIP for the and how they were satisfied.

##### a. Satisfaction of Underlying Federal Requirements:

Since this proposed action involves a current SIP element it is subject to all the requirements for a SIP submittal as set forth in 42 U.S.C. §7410 (FCAA 110(d)); 40 CFR 51.102 and 51 Appendix V, 2.0.

##### b. Public Notice and Comment:

Notice for the public hearing for the proposed request for USEPA to remove Rule 206 from the SIP was published December 20, 2019 for hearing on January 21, 2020. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and District responses.

##### c. Availability of Document:

Copies of the proposed request for USEPA to remove Rule 206 from the SIP and the accompanying draft staff report were made available to the public on December 20, 2019.

d. Notice to Specified Entities:

Copies of the proposed request for USEPA to remove Rule 206 from the SIP and the accompanying draft staff report were sent to all affected agencies. The proposed amendments were sent to the California Air Resources Board (CARB) and U.S. Environmental Protection Agency (USEPA) on December 16, 2019.

e. Public Hearing:

A public hearing to consider the proposed request for USEPA to remove Rule 206 from the SIP has been set for January 21, 2020.

f. Legal Authority to Adopt and Implement:

The District has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the District. The proposed action will not remove Rule 206 from the District rulebook and facilities will still be required to comply with its provisions. However, upon USEPA approval of the removal such rule will no longer be federally enforceable or required to be included on Federal Operating Permits as an applicable requirement.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. No state findings are required pursuant to H&S Code §40727 as this action does not affect the text or the applicability of Rule 206 as a District only (as opposed to federally enforceable) requirement. See Section (V)(D) below for compliance with provisions of the CEQA.

**B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS**

H & S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. This requirement does not apply as the proposed action does not modify Rule 206 and will not remove it from the District rulebook. Facilities will still be required to comply with its provisions for District purposes, however, upon USEPA approval of the removal from the SIP such rule will no longer be federally enforceable or required to be included on Federal Operating Permits as an applicable requirement.

## C. ECONOMIC ANALYSIS

### 1. General

This proposed action will have no economic effect as the underlying requirement for District purposes will not change. Title V permits referencing the requirement will need to be modified upon USEPA approval of the removal of Rule 206 from the SIP.

### 2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act (CCAA) requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>) or oxides of sulfur (SO<sub>x</sub>). As this proposed action does not modify Rule 206 this requirement does not apply.

## D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below the appropriate CEQA process for the proposed request for USEPA to remove Rule 206 from the SIP was determined.

1. The proposed request for USEPA to remove Rule 206 from the SIP meets the CEQA definition of “project”. They are not “ministerial” actions.

2. The proposed request for USEPA to remove Rule 206 from the SIP are exempt from CEQA review pursuant to a Class 8 exemption (14 CCR 15308) because it will not create any adverse impacts on the environment. The provisions of the rule do not change and it remains applicable to all facilities with the AVAQMD’s jurisdiction. The only effect of this proposed action will be to render the rule provisions non-federally enforceable upon its removal from the SIP it will still remain fully applicable and enforceable by the State of California and the District. In addition, this rule is in and of itself a procedural rule which has no effect upon emissions from permitted facilities.

Copies of the documents relating to CEQA can be found in Appendix “D”.

## E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

### 1. Potential Environmental Impacts

The potential environmental impacts of compliance with the proposed request for USEPA to remove Rule 206 from the SIP will not create any adverse impacts on the environment as the underlying requirements will not change. Rule 206 will remain the AVAQMD rulebook and be fully enforceable by both the District and CARB.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix “B”

VI. TECHNICAL DISCUSSION

A. SOURCE DESCRIPTION

The proposed request for USEPA to remove Rule 206 from the SIP on a practical basis will not affect any sources. Facilities holding permits will still be subject to the provisions of the rule and not required to do anything differently than they are already doing. Facilities holding Federal Operating Permits may see some modifications of conditions based upon the removal of Rule 206 from the SIP however they will still be required to comply with the provisions of the rule as a “state only” requirement.

B. EMISSIONS

As the rule will remain in full force and effect for District and State purposes there will be no effect on emissions. In addition, this rule is a procedural rule which in and of itself has no effect on emissions.

C. CONTROL REQUIREMENTS

The proposed request for USEPA to remove Rule 206 from the SIP does not affect or change any requirements. In addition, the provisions of Rule 206 do not contain any control requirements.

D. PROPOSED ACTION SUMMARY

This section gives a brief overview of the proposed request for USEPA to remove Rule 206 from the SIP and withdraw subsequent versions of Rule 206 from submission to the SIP.

The State Implementation Plan (SIP) for the Antelope Valley Air Quality Management District (AVAQMD or District) consists of a variety of Rules, Planning Documents, Federal Negative Declarations, Inventories along with other items submitted and approved by the United States Environmental Protection Agency (USEPA) to comply with requirements of the Federal Clean Air Act. Once approved, items placed in the SIP remain in the SIP until removed by specific actions as part of subsequent approvals.

Submissions and their attendant approvals apply to the area for which they are submitted regardless of the agency which currently has jurisdiction over the area.

Submissions into the SIP have been made by a variety of different agencies for the Antelope Valley area as shown in the following table:

<b>Date of Adoption</b>	<b>Adopting Agency</b>	<b>Area Covered by Submissions</b>
Before 1975	Los Angeles County APCD	Entire jurisdiction of Los Angeles County
June 1975 – February 1977	Southern California APCD	Entire jurisdiction of Los Angeles, Orange, Riverside and San Bernardino Counties
June 6, 1977	CARB Ex. Order G-73 of 1977 for Los Angeles County APCD	Southeast Desert Air Basin area of Los Angeles County.
February 1977 – July 1, 1994	SCAQMD	Southeast Desert Air Basin areas of Los Angeles and Riverside Counties and all areas within the South Coast Air Basin.
July 1, 1994 – July 1, 1997	SCAQMD	Southeast Desert Air Basin areas of Los Angeles and Riverside Counties excluding the Palo Verde Valley, <sup>1</sup> and all areas within the South Coast Air Basin.
July 1, 1997 – January 1, 2002	Antelope Valley APCD	Mojave Desert Air Basin <sup>2</sup> area of Los Angeles County, commonly referred to as the Antelope Valley.
After January 2002	Antelope Valley AQMD	Mojave Desert Air Basin area of Los Angeles County, commonly referred to as the Antelope Valley.

Rule 206 – *Posting of Permit to Operate* was submitted and approved into the SIP by USEPA several times (See Section E. 1. below) over the years. USEPA has recently informed CARB that Rule 206 does not need to be in the SIP. Since there are prior versions in the SIP a full SIP submittal process, including notice and public hearing, is required to request their removal. The proposed action will approve the request for removal of Rule 206 from the SIP. It does not and will not remove the Rule and its requirements from the District Rule book. Sources will still be required to comply with permit posting requirements but an obsolete and unnecessary rule will be removed from the SIP.

<sup>1</sup> The Palo Verde Valley including the city of Blythe in Riverside County was acquired by the Mojave Desert AQMD effective July 1, 1994.

<sup>2</sup> The Southeast Desert Air Basin was split in 1997 into the Mojave Desert Air Basin covering portions of Los Angeles, Kern, and San Bernardino Counties and the Salton Sea Air Basin covering portions of Riverside and Imperial Counties.

## E. SIP HISTORY

### 1. SIP History.

Prior to 1975 the original air district for the Antelope Valley region was the Los Angeles County Air Pollution Control District that had a jurisdiction covering the entire county of Los Angeles. In 1975, the Southern California APCD was created. It was a joint powers authority that had a jurisdiction covering all of the counties of Los Angeles, Orange, Riverside and San Bernardino. The SCAQMD came into existence pursuant to statute on February 1, 1976 and originally covered only the areas within the South Coast Air Basin (SCAB). The legislation was thereafter amended to allow non-SCAB areas to “opt in.” Los Angeles County exercised this option and thus the Antelope Valley became a part of SCAQMD. On July 1, 1997 the AVAPCD replaced the SCAQMD as the agency with jurisdiction over the Los Angeles County portion of the Mojave Desert Air Basin (MDAB). On January 1, 2002 the AVAPCD was replaced by the AVAQMD. Pursuant to both statutory changes, the rule and regulations of the predecessor district were retained until the Governing Board adopted, amended or rescinded them. At the first meeting of both the AVAPCD and the AVAQMD, the respective Governing Boards reaffirmed all the rules and regulations in effect at the time the agency changed.

The jurisdiction of the AVAPCD and the AVAQMD were specified in the statutes as the portion of the Los Angeles County contained within the MDAB. The MDAB was formerly known as the Southeast Desert Air Basin (SEDAB). In 1997 the SEDAB was split into the MDAB and the Salton Sea Air Basin. Descriptions of these air basins can be found in 17 Cal. Code Regs. §§60109 and 60144. Since USEPA adopts SIP revisions in California as effective within jurisdictional boundaries of local air districts, when the local air district boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Thus, upon creation of the AVAPCD on July 1, 1997 the AVAPCD acquired the SIP applicable to the Antelope Valley portion of the SCAQMD that was effective as of June 30, 1997. Likewise, the AVAQMD acquired the SIP that was effective in the jurisdiction of the AVAPCD as of December 31, 2000. Therefore, the SIP history for this region is based upon the rules adopted, effective, and approved for the Antelope Valley by SCAQMD.

Rule 206 – *Posting of Permit to Operate* was first adopted by the So Cal APCD on 2/6/1976 and was approved into the SIP at 40 CFR 52.220(c)(31)(vi)(C) (43 FR 52237, 11/9/1978). The G-73 Rulebook adopted the same rule for the non-SCAB area of Los Angeles County and it was approved at 40 CFR 52.220(c)(39)(iii)(B) (43 FR 52237 11/9/1978). SCAQMD submitted subsequent versions of Rule 206 on 12/31/1990 and 5/5/1991 but no action has been taken by USEPA on these submissions to date. Similarly, the AVAPCD amended the rule on 8/19/1997 and it was submitted as a SIP revision on 3/10/1997. Once again, no action has been taken by USEPA to date on this submittal.

2. SIP Analysis.

The District will request CARB to submit the proposed request for USEPA to remove Rule 206 from the SIP and at the same time withdraw the 3/10/1997 request for inclusion. This submission is necessary to allow USEPA to properly remove an unnecessary rule from the SIP.

**Appendix “A”**  
Rule 206 – *Posting of Permit to Operate*

The proposed action makes no changes to District Rule 206. A copy of the rule as it exists and will continue in the District rulebook is provided for reference.

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## RULE 206

### Posting of Permit to Operate

- (a) A person granted a permit under Rule 202 or 203 shall not operate or use any equipment unless the entire permit to operate or a legible facsimile of the entire permit is affixed upon the equipment in such manner that the permit number, equipment description, and the specified operating conditions are clearly visible and accessible. In the event that the equipment is so constructed or operated that the permit to operate or a legible facsimile cannot be so placed, the entire permit to operate or the legible facsimile of the entire permit shall be mounted so as to be clearly visible in an accessible place within 8 meters (26 feet) of the equipment, or as otherwise approved in writing by the Air Pollution Control Officer.
- (b) Notwithstanding subdivision (a), a facility permit shall be kept at the location for which it is issued, and be made available to authorized District personnel, upon request.

[SIP: Submitted as amended 8/19/97 on 3/10/98; Approved 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(39)(iii)(B); Approved 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(31)(vi)(C)]

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**Appendix “B”**  
**Public Notice Documents**

1. Draft Proof of Publication – AV Press

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## NOTICE OF HEARING

**NOTICE IS HEARBY GIVEN** that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on January 21, 2020 at 10:00 A.M. to consider the proposed Request for Removal of Rule 206 – *Posting of Permit to Operate* from the State Implementation Plan (SIP).

**SAID HEARING** will be conducted in the Governing Board Chambers located at the AVAQMD offices, 43301 Division Street, Suite 206, Lancaster, CA 93535-4649 where all interested persons may be present and be heard. Copies of the proposed Request for Removal of Rule 206 – *Posting of Permit to Operate* and the Staff Report are on file and may be obtained from the AVAQMD Offices. Written comments may be submitted to Bret Banks, APCO at the above office address, and should be received no later than January 20, 2020 to be considered. If you have any questions, you may contact Barbara Lods at (661) 723-8070 x23 or via E-mail at [blods@avaqmd.ca.gov](mailto:blods@avaqmd.ca.gov) for further information. Traducción esta disponible por solicitud

The proposed Request for Removal of Rule 206 – *Posting of Permit to Operate* is a response to USEPA indicating that such rule is unnecessary as part of the SIP. Since prior versions of Rule 206 are in the SIP the removal request is required to undergo full rulemaking process. The proposed action does not change or remove Rule 206 from the District's rulebook. Facilities holding permits will still be required to comply with the requirements of Rule 206 and the rule will remain enforceable by both the District and the State of California.

Pursuant to the California Environmental Quality Act (CEQA) the AVAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

Barbara Lods  
Operations Manager  
AVAQMD

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**Appendix “C”**  
**Public Comments and Responses**

[List comments in chronological order if and when received.]

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**Appendix “D”**  
California Environmental Quality Act  
Documentation

1. Draft Notice of Exemption

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**NOTICE OF EXEMPTION**

**TO:** Los Angeles County Clerk  
12400 E. Imperial Hwy, #1001  
Norwalk, CA 90650

**FROM:** Antelope Valley  
Air Quality Management District  
43301 Division Street, Suite 206  
Lancaster, CA 93535-4649

X AVAQMD

**PROJECT TITLE:** Request for Removal of Rule 206 – *Posting of Permit to Operate* from the State Implementation Plan (SIP)

**PROJECT LOCATION – SPECIFIC:** Los Angeles County portion of the Mojave Desert Air Basin.

**PROJECT LOCATION – COUNTY:** Los Angeles County

**DESCRIPTION OF PROJECT:** The proposed Request for Removal of Rule 206 from the SIP is a response to USEPA indicating that such rule is unnecessary as part of the SIP. Since prior versions of Rule 206 are in the SIP the removal request is required to undergo full rulemaking process.

**NAME OF PUBLIC AGENCY APPROVING PROJECT:** Antelope Valley AQMD

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT:** Antelope Valley AQMD

**EXEMPT STATUS (CHECK ONE)**

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

**REASONS WHY PROJECT IS EXEMPT:** The proposed Request for Removal of Rule 206 from the SIP exempt from CEQA review because it will not create any adverse impacts on the environment. Rule 206 will remain in the AVAQMD rulebook, still be applicable to all facilities holding permits and remain fully enforceable by both the District and the State of California. Because there is no potential that the amendments might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

**LEAD AGENCY CONTACT PERSON:** Bret Banks **PHONE:** (661) 723-8070

**SIGNATURE:** \_\_\_\_\_

**TITLE:** Executive Director/APCO **DATE:** January 21, 2020

**DATE RECEIVED FOR FILING:**

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## Appendix “E” Bibliography

The following documents were consulted in the preparation of this staff report.

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(Adopted: 2/6/76; Amended: 1/5/90; Amended:  
10/8/93; Amended: 8/19/97)

## RULE 206

### Posting of Permit to Operate

- (a) A person granted a permit under Rule 202 or 203 shall not operate or use any equipment unless the entire permit to operate or a legible facsimile of the entire permit is affixed upon the equipment in such manner that the permit number, equipment description, and the specified operating conditions are clearly visible and accessible. In the event that the equipment is so constructed or operated that the permit to operate or a legible facsimile cannot be so placed, the entire permit to operate or the legible facsimile of the entire permit shall be mounted so as to be clearly visible in an accessible place within 8 meters (26 feet) of the equipment, or as otherwise approved in writing by the Air Pollution Control Officer.
- (b) Notwithstanding subdivision (a), a facility permit shall be kept at the location for which it is issued, and be made available to authorized District personnel, upon request.

[SIP: Submitted as amended 8/19/97 on 3/10/98; Approved 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(39)(iii)(B); Approved 11/9/78, 43 FR 52237, 40 CFR 52.220(c)(31)(vi)(C)]

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**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF EXEMPTION, REQUESTING REMOVAL OF RULE 206 – *POSTING OF PERMIT TO OPERATE FROM THE SIP*, WITHDRAWING ANY CURRENT SIP SUBMISSION FROM CONSIDERATION AS SIP REVISIONS, AND DIRECTING STAFF ACTIONS.**

On, January 21, 2020, on motion by Member Board Member Name, seconded by Member Board Member Name, and carried, the following resolution is adopted:

**WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority pursuant to California Health and Safety Code (H&S Code) §§40702 to adopt, amend or repeal rules and regulations and do such acts as may be necessary or proper to execute the powers and duties granted to, and imposed upon the District; and

**WHEREAS**, the State Implementation Plan (SIP) for the Antelope Valley Air Quality Management District (AVAQMD or District) consists of a variety of Rules, Planning Documents, Federal Negative Declarations, Inventories along with other items submitted and approved by the United States Environmental Protection Agency (USEPA) to comply with requirements of the Federal Clean Air Act; and

**WHEREAS**, items approved the SIP remain in the SIP until removed by specific actions as part of subsequent approvals; and

**WHEREAS**, submissions and their attendant approvals continue to apply to the area for which they are submitted regardless of the agency which currently has jurisdiction over the area; and

**WHEREAS**, SIP submissions for the area now within the AVAQMD have been made over time by a number of agencies namely: the Los Angeles County Air Pollution Control District (LACAPCD) prior to 1972; the Southern California Air Pollution Control District (So Cal APCD) between June of 1975 and February 22, 1977; the California Air Resources Board (CARB) via Executive Order G-73 of February 1, 1977 (G-73 Rulebook); the South Coast Air Quality Management District (SCAQMD) between February 1, 1977 and June 30, 1997; the Antelope Valley Air Pollution Control District (AVAPCD) between July 1, 1997 and December 31, 2001; and the AVAQMD between January 1, 2002 through and including today; and

**WHEREAS**, Rule 206 – *Posting of Permit to Operate* was first adopted by the So Cal APCD on 2/6/1976 and was approved into the SIP at 40 CFR 52.220(c)(31)(vi)(C) via USEPA action of 43 FR 52237 on November 9, 1978; and

**RESOLUTION \_\_\_\_\_**

1           **WHEREAS**, the same version of Rule 206 was subsequently readopted by CARB in the G-73  
2 Rulebook on February 1, 1977 and was approved into the SIP at 40 CFR 52.220(c)(39)(iii)(B) via USEPA  
3 action of 43 FR 52237 on November 9, 1978; and

4           **WHEREAS**, SCAQMD submitted subsequent amended versions of Rule 206 on 12/31/1990 and  
5 5/5/1991 but no action was taken by USEPA; and

6           **WHEREAS**, the AVAPCD amended the rule on August 19, 1997 and it was submitted as a SIP  
7 revision on March 10, 1997 but no action was taken by USEPA; and

8           **WHEREAS**, USEPA has recently informed CARB that Rule 206 does not need to be in the SIP;  
9 and

10          **WHEREAS**, prior versions of Rule 206 are in the SIP, therefore, a full SIP submittal process,  
11 including notice and public hearing, is required to request their removal; and

12          **WHEREAS**, this action will not remove Rule 206 and its requirements from the District Rule book;  
13 and

14          **WHEREAS**, since the proposed action will not change the requirements of Rule 206 the findings  
15 for rule adoption or amendment pursuant to Health & Safety Code §§40725 et seq. do not apply; and

16          **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H&S Code  
17 §40725, concerning the proposed request for removal of Rule 206 from the SIP; and

18          **WHEREAS**, copies of this proposed action have been made available to the public and to specified  
19 entities in compliance with the provisions of 42 USC §7410, 40 CFR 51.102 and 40 CFR 51 Appendix V;  
20 and

21          **WHEREAS**, comments have been solicited and responded to as part of the notice process; and

22          **WHEREAS**, the District has the legal authority to request the remove of Rule 206 from the SIP  
23 pursuant to its authority under Health & Safety Code §40702; and

24          **WHEREAS**, applicable state laws and regulations have been followed; and

25          **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the  
26 proposed request for removal of Rule 206 from the SIP, completed in compliance with the California  
27 Environmental Quality Act (CEQA), has been presented to the AVAQMD Board; each member having  
28 reviewed, considered and approved the information contained therein prior to acting on the proposed request

**RESOLUTION \_\_\_\_\_**

1 for removal of Rule 206 from the SIP, and the AVAQMD Board having determined that the proposed  
2 amendments will not have any potential for resulting in any adverse impact upon the environment; and

3       **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

4       **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds that  
5 the proposed Request for Removal of Rule 206 – *Posting of Permit to Operate* from the State  
6 Implementation Plan has satisfied the requirements for a SIP submission in compliance with the provisions  
7 of 42 USC §7410, 40 CFR 51.102 and 40 CFR 51 Appendix V; and

8       **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a  
9 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of  
10 Exemption for the proposed Request for Removal of Rule 206 from the SIP; and

11       **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD does hereby request,  
12 pursuant to the authority granted by law, the Removal of Rule 206 – Posting of Permit to Operate from the  
13 State Implementation Plan; and

14       **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD directs staff to also  
15 request the withdrawal of any versions of Rule 206 currently submitted as potential SIP revisions; and

16       **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,  
17 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions of  
18 CEQA.

19 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Antelope Valley Air Quality  
20 Management District by the following vote:

21 AYES:                   MEMBER:  
22 NOES:                   MEMBER:  
23 ABSENT:                MEMBER:  
24 ABSTAIN:              MEMBER:

25  
26 STATE OF CALIFORNIA        )  
27 COUNTY OF LOS ANGELES    )        SS:  
28                                    )

**RESOLUTION \_\_\_\_\_**

1 I, Deanna Hernandez, Senior Executive Analyst of the Governing Board of the Antelope Valley  
2 Air Quality Management District, hereby certify the foregoing to be a full, true and correct copy of the  
3 record of the action as the same appears in the Official Minutes of said Governing Board at its meeting of  
4 January 21, 2020.

5 \_\_\_\_\_  
6 Senior Executive Analyst  
7 Antelope Valley Air Quality Management District.  
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The following page(s) contain the backup material for Agenda Item: 1) Award an amount not to exceed \$138,418 in Mobile Source Emissions Reduction Program (AB 923) funds to Boething Treeland Farms to replace an older heavy-duty diesel equipment with new, clean technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details, and execute an agreement, approved as to legal form by the Office of District Counsel. Presenter: Julie McKeehan, Grants Analyst. Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #8*

**DATE:** January 21, 2020

**RECOMMENDATION:** 1) Award an amount not to exceed \$138,418 in Mobile Source Emissions Reduction Program (AB 923) funds to Boething Treeland Farms to replace an older heavy-duty diesel equipment with new, clean technology; and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details, and execute an agreement, approved as to legal form by the Office of District Counsel.

**SUMMARY:** This item awards an amount not to exceed \$138,418 of Mobile Source Emissions Reduction Program (AB 923) funds pursuant to the Carl Moyer Program to Boething Treeland Farms for the replacement of a Tier 2, 2006 diesel loader with new, cleaner technology certified to the Final Tier 4/current emission standards.

**BACKGROUND:** AVAQMD received an application from Boething Treeland Farms requesting grant funding towards retirement and replacement of an older heavy-duty diesel loader that operates at the Boething Treeland Farms facility in Littlerock. Boething Treeland Farms proposes voluntary participation in the Carl Moyer Equipment Replacement Program to reduce emissions by retiring their older loader and replacing it with a new loader that is certified to the current emission standards. Staff has evaluated the project for Carl Moyer eligibility pursuant to the guidelines for the use of Mobile Source Emissions Reduction Program (AB 923) funds. The District proposes a maximum of 73 percent or an amount not to exceed \$138,418 toward the replacement costs for replacement equipment certified to final tier 4 standards. Retirement of the proposed project produces 1.31 tons/yr. emissions reduction with a 5-year project life. Early fleet turnover provides emission reductions that help the Valley towards attainment of the national ambient air quality standards.

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cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeehan

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #8*

**PAGE 2**

**REASON FOR RECOMMENDATION:** Governing Board approval is needed to fund Carl Moyer projects. Additionally, Governing Board authorization is needed for the Executive Director/APCO and staff to negotiate and execute an agreement with the grant recipient.

**REVIEW BY OTHERS:** This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before January 6, 2020.

**FINANCIAL DATA:** Funding is granted from the District’s Mobile Source Emissions Reduction Program (AB 923) funds for Carl Moyer eligible projects.

**PRESENTER:** Julie McKeehan, Grants Analyst.

The following page(s) contain the backup material for Agenda Item: 1) Award \$6,000 in Mobile Source Emission Reductions Program (AB 923) funds to the City of Palmdale toward Electric Vehicle Charging Stations (Project); and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.  
Presenter: Julie McKeehan, Grants Analyst.  
Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #9*

**DATE:** January 21, 2020

**RECOMMENDATION:** 1) Award \$6,000 in Mobile Source Emission Reductions Program (AB 923) funds to the City of Palmdale toward Electric Vehicle Charging Stations (Project); and 2) Authorize the Executive Director/APCO and staff to negotiate target time frames and technical project details and execute an agreement, approved as to legal form by the Office of District Counsel.

**SUMMARY:** This item awards funding to the City of Palmdale toward the purchase and installation of EV Charging Stations to be located at Palmdale Oasis Park (Park). The City proposes to remove older EV chargers at the Park to install newer, intelligent, and more efficient EV charging technology. The project consist of installation of (2) Level-II, dual-port EV chargers with the most up to date management systems to better serve and accommodate consumers. AVAQMD will reimburse the costs at the completion of the Project in the amount of \$6,000 in Mobile Source Emission Reductions Program (AB 923) funds.

**BACKGROUND:** Over the years the City of Palmdale has deployed a number of EV charging stations throughout the City in efforts to encourage the adoption of electric vehicles. The City recognizes the increase in EV ownership and the need to accommodate the demand for EV charging options. The City has experience, expertise and knowledge of early EV charging technology and realizes the need for improved EV charging technology that offers intelligent management systems that have the ability to interface with the latest end user devices. The City proposes to remove older EV chargers at Palmdale Oasis Park to install newer, intelligent, and more efficient EV charging technology to integrate into their existing network and accommodate consumers. The District has reviewed the project for eligibility for the use of AB 923 funding and proposes \$6,000 toward the proposed project. The City's efforts to improve EV charging options and increase the number of available EV charging units helps move California closer to the 2025 goal of putting 1.5 million zero-emission vehicles on the road as well as reducing greenhouse gases.

---

cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeehan

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #9*

**PAGE 2**

**REASON FOR RECOMMENDATION:** Governing Board approval is needed to approve the grant and allocation from the District's Mobile Source Emission Reductions (AB 923) funds. Additionally, Governing Board authorization is needed for the Executive Director/APCO to negotiate and execute an agreement with the grant recipient.

**REVIEW BY OTHERS:** This item was reviewed by Allison E. Burns, Special Counsel to the Governing Board, as to legal form and by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or about January 6, 2020.

**FINANCIAL DATA:** Funds are granted from the District's Mobile Source Emission Reductions Program (AB 923) funds.

**PRESENTER:** Julie McKeehan, Grants Analyst.

The following page(s) contain the backup material for Agenda Item: [1\) Authorize \\$50,000 in Mobile Emission Reductions Program \(AB 2766\) funds to the Alternative Fuel Vehicle Program; and 2\) Authorize the Executive Director/APCO and staff to execute the Alternative Fuel Vehicle Program as outlined in the Work Plan. Presenter: Julie McKeehan, Grants Analyst.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #10*

**DATE:** January 21, 2020

**RECOMMENDATION:** 1) Authorize \$50,000 in Mobile Emission Reductions Program (AB 2766) funds to the Alternative Fuel Vehicle Program; and 2) Authorize the Executive Director/APCO and staff to execute the Alternative Fuel Vehicle Program as outlined in the Work Plan.

**SUMMARY:** This item authorizes \$50,000 in Mobile Emission Reductions Program (AB 2766) funds to the District's ongoing grant program used to incentivize the purchase of light-duty alternative fuel vehicles.

**BACKGROUND:** In June 2006, the AVAQMD Board (the Board) established an incentive program to off-set the incremental cost associated with the purchase of natural gas-fueled vehicles and refueling units. In April 2011, the Board expanded the Alternative Fuel Vehicle (AFV) program to include all alternative fuel vehicles including electric and electric/hybrid vehicles. In March 2013, the Board approved new eligibility criteria limiting the District incentives to new AFV purchase or lease agreements made with local Dealerships, and one incentive per household. In September 2013, the Board approved to offer up to 50 percent of the current incentive to local residents who purchase or lease with Dealerships outside the District due to availability. In June 2014, the Board approved to continue the AFV program decreasing the incentive to \$1,000 and discontinuing the home refueling and charging incentives. Since inception, the AFV incentive program has provided incentives towards 712 vehicles and 139 home refueling/charging units totaling approx. \$1.6 million to local residents.

**REASON FOR RECOMMENDATION:** Governing Board authorization is needed to allocate Mobile Source Emission Reductions Program funds and/or changes to the guidelines.

**REVIEW BY OTHERS:** This item was reviewed by Allison E. Burns Special Counsel to the Governing Board as to legal form and by Bret Banks, Executive Director/APCO on or before January 6, 2020.

**FINANCIAL DATA:** Sufficient funds are available from the District's Mobile Source Emission Reductions (AB 2766) funds.

**PRESENTER:** Julie McKeehan, Grants Analyst.

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cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeehan

The following page(s) contain the backup material for Agenda Item: [Board authorization to transfer budget funds FY 19/20 from Capital Expense – Vehicles to Operating Expense – Dues and Subscriptions in the amount of \\$25,000. Presenter: Bret Banks, Executive Director/APCO.](#)

Please scroll down to view the backup material.

**MINUTES OF THE GOVERNING BOARD  
OF THE ANTELOPE VALLEY AIR QUALITY MANAGEMENT DISTRICT  
LANCASTER, CALIFORNIA**

*AGENDA ITEM #11*

**DATE:** January 21, 2020

**RECOMMENDATION:** Board authorization to transfer budget funds FY 19/20 from Capital Expense – Vehicles to Operating Expense – Dues and Subscriptions in the amount of \$25,000.

**SUMMARY:** This item authorizes the transfer of funds in the FY 19/20 budget of \$25,000 Capital Expense – Vehicles to Operating Expense – Dues and Subscriptions.

**BACKGROUND:** The recommended transfer in the FY 19/20 District will increase the allocation for sponsorships and provide sufficient resources for this expenditure.

**REASON FOR RECOMMENDATION:** The Governing Board has the authority to amend the AVAQMD Adopted Budget for FY 19/20.

**REVIEW BY OTHERS:** This item was reviewed by Bret Banks, Executive Director/APCO – Antelope Valley Operations on or before January 16, 2020.

**FINANCIAL DATA:** Funding is available in the Board approved FY 19/20 Antelope Valley Air Quality Management District Budget.

**PRESENTER:** Bret Banks, Executive Director/APCO.

---

cc: Jean Bracy  
Laquita Cole  
Michelle Powell  
Julie McKeehan